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ABSTRACT

This document presents testimony and proceedings from Congressional hearings on the problem of missing children and the remedies proposed by the Missing Children's Assistance Act. Opening testimony by Senators Arlen Specter and Paula Hawkins is presented, as is the text of the Missing Children's Assistance Act of 1983. Prepared testimony from other Senators in support of the bill is included. Testimony and prepared statements are also presented from the parents of several missing children and from volunteers and staff members from child welfare organizations, social service agencies, and law enforcement agencies. Topics covered in the testimony include kidnapping by non-custodial parents and by strangers, the role of law enforcement and government agencies, and volunteers in finding missing children. News stories and publicity relating to missing children are included. The appendix includes a statement by Charles Quigley supporting law-related education on behalf of the Center for Civic Education/Law in a Free Society, the Constitutional Rights Society, and the National Institute of Citizens Education in the Law; and a reprint of a news article on helping runaways. (JAC)

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S. Hrg. 98-1052

MISSING CHILDREN'S ASSISTANCE ACT

ED253830

HEARINGS

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

S. 2014

A BILL TO AMEND THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 TO PROVIDE FOR ASSISTANCE IN LOCATING MISSING CHILDREN

FEBRUARY 7 AND 21; MARCH 8, 13, AND 21, 1984

Serial No. J-98-92

Printed for the use of the Committee on the Judiciary

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MISSING CHILDREN'S ASSISTANCE ACT

TUESDAY, FEBRUARY 7, 1984

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:08 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Arlen Specter (chairman of the subcommittee), presiding.

Present: Senators Specter and Hawkins.

Staff present: Mary Louise Westmoreland, chief counsel; Ellen Greenberg, professional staff member.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator SPECTER. Good morning, ladies and gentlemen.

I regret the brief delay, but I was also scheduled to attend a hearing before the Veterans' Committee, of which I am a member, to introduce the incoming national commander, Dennis Joiner from Pennsylvania. So I had a double duty to perform, to be present as a committee member, but more pointedly, to introduce Commander Joiner.

We will begin this morning by conducting the first of two hearings to examine the serious problems of our Nation's missing children and the remedies proposed by the Missing Children's Assistance Act. At today's hearing, we will focus primarily on the nature of the problem by examining the circumstances surrounding the disappearances of several children, some of whom are still missing, and the recommendations and actions taken by parents and others in response to this growing problem.

At our next scheduled hearing later this month, we will take a closer look at current and proposed initiatives to recover missing children and, ideally, to prevent the all too frequent occurrences of child abductions in this country.

According to the U.S. Department of Health and Human Services, an estimated 1.8 million children are reported missing each year. This means that every hour 205 American children are reported missing, totaling almost 5,000 a day. Each year approximately 50,000 children are abducted by strangers and 100,000 by parents. At the close of each year, regrettably, some 2,500 bodies of dead children remain unidentified.

The tragedy of our Nation's 1.8 million missing children has recently received national attention with the widely publicized reports of the disappearances of Adam Walsh of Hollywood, Fla., and Etan Patz of New York City. Following an exhaustive search, the parents of Adam Walsh ultimately learned of the brutal murder of their 6-year-old son. The parents of Etan Patz, who was also 6 years of age at the time of his disappearance, and the overwhelming majority of the parents of other missing children, are still waiting for some news of their child's whereabouts.

Publicity campaigns have proven to be remarkably effective in locating missing children. For instance, a poster distributed nationwide by one organization, displaying the photographs of 24 missing children and a toll-free hotline has led to the recovery of eight of these children since its release last June. The success of public awareness campaigns may be best illustrated by the widespread response to the nationally televised movie "Adam" last October, which portrayed the real-life story of the abduction of Adam Walsh. At the end of the 2-hour film, the photographs of 55 missing children were flashed on the screen. Of the 38 million viewers, thousands contacted missing children's organizations like Child Find Inc. in New York and the Adam Walsh Resource Center in Florida. Within several weeks after the movie was aired on October 10, 13 of the 55 missing children pictured in the epilog—plus a brother and a sister—were recovered. In fact, one of the fortunate parents is with us here today.

Our national commitment to prevent child abductions and locate missing children was demonstrated in 1982 by the passage of the Missing Children Act under the leadership of Senator Hawkins. This act provides for the inclusion of data on missing children in the FBI's computerized criminal information network. As a second major step in this direction, I introduced the Missing Children's Assistance Act of 1983—S. 2014—on October 27, along with Senators Hawkins and Warner and 21 of our distinguished colleagues in the Senate. This bill establishes and maintains a national toll-free telephone line for individuals to report information on missing children and a national resource center and clearinghouse to provide technical assistance and aid in the coordination of public and private efforts to locate and recover missing children. The Missing Children's Assistance Act now has 39 cosponsors, evidencing strong bipartisan support. At our upcoming February 21 hearing of the Juvenile Justice Subcommittee, we will focus on the specific provisions of the bill and current activities of the administration to address the problem of missing children.

[The text of S. 2014 and the prepared statements of Senators Thurmond, Denton, and Warner follow:]

II

98TH CONGRESS
1ST SESSION

S. 2014

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

IN THE SENATE OF THE UNITED STATES

OCTOBER 27 (legislative day, OCTOBER 24), 1983

Mr. SPECTER (for himself, Mrs. HAWKINS, Mr. WARNER, Mr. BURDICK, Mr. BUMPERS, Mr. ANDREWS, Mr. BRADLEY, Mr. RANDOLPH, Mr. HOLLINGS, Mr. HEFLIN, Mr. RIEGLE, Mr. STAFFORD, Mr. TSONGAS, Mr. HEINZ, Mr. MELCHER, Mr. MATSUNAGA, Mr. CRANSTON, Mr. GRASSLEY, Mr. LUGAR, Mr. MITCHELL, Mr. MATHIAS, Mr. PERCY, Mr. BIDEN, and Mr. DOLE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Missing Children's Assistance Act of 1983".

SEC. 2. The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601), is amended by adding at the end of title I thereof the following new part:

BEST COPY AVAILABLE

"PART E—MISSING CHILDREN

"FINDINGS

"Sec. 271. The Congress finds that—

"(1) over one million children are missing from their homes each year;

"(2) thousands of these children are abducted under circumstances which immediately place them in grave danger;

"(3) many of these children are never reunited with their families;

"(4) often, there are no clues as to the whereabouts of these children;

"(5) many missing children are at great risk of both physical harm and sexual exploitation;

"(6) of the over three thousand unidentifiable bodies that are discovered annually, hundreds are children;

"(7) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

"(8) abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;

"(9) on frequent occasions, law enforcement authorities quickly exhaust all leads in missing children cases, and require assistance from distant communities where the child may be located; and

"(10) Federal assistance is urgently needed to coordinate and assist in this interstate problem.

"DEFINITION

"SEC. 272. For purposes of this part the term 'missing child' means—

"(1) any missing person thirteen years of age or younger; or

"(2) any missing person under the age of eighteen if the circumstances surrounding such person's disappearance indicate that such person is likely to have been abducted.

"DUTIES AND FUNCTIONS OF ADMINISTRATOR

"SEC. 273. (a) The Administrator—

"(1) may prescribe such rules as he considers necessary or appropriate to carry out the purposes of this part,

"(2) shall make such arrangements as may be necessary or appropriate to ensure that there is effective coordination among all federally funded programs related to missing children, and

"(3) shall provide adequate staff and agency resources which are necessary to properly carry out his responsibilities pursuant to this part.

"(b) The Administrator shall, by making grants to, or entering into contracts with, public agencies or nonprofit organizations (or combination thereof), provide for programs—

"(1) to establish and maintain a national toll-free telephone line where individuals may report information regarding the location of missing children;

"(2) to establish and maintain a national resource center and clearinghouse to—

"(A) provide technical assistance to local and State governments, public and private nonprofit agencies and individuals in locating and recovering missing children;

"(B) coordinate public and private efforts to locate and recover missing children; and

"(C) nationally disseminate information on innovative missing childrens' programs, services, and legislation; and

"(3) to periodically conduct national incidence studies to determine the actual number of children reported missing each year, the number of children who are victims of stranger abductions, the number of children who are the victims of parental kidnappings, and the number of missing children who are recovered each year.

"(c) The Administrator shall compile, analyze, publish, and disseminate an annual summary of recently conducted research, and research currently being conducted, on missing children, as well as prepare, in conjunction with the Advisory Board on Missing Children, an annual comprehensive plan for assuring cooperation and coordination among all agencies and organizations with responsibilities related to missing children.

"GRANTS

"SEC. 274. (a) The Administrator is authorized to make grants to, and enter into contracts with, public agencies or nonprofit private organizations, or combinations thereof, for research, or demonstration or service programs designed—

"(1) to educate parents, children, and community agencies in ways to prevent the abduction of children;

"(2) to assist in the recovery or tracking of missing children;

"(3) to aid communities in the collection of materials which would be useful to parents in the identification of their children;

"(4) to increase knowledge of the psychological consequences on both parents and children in a child's abduction, both during the period of disappearance and after the child is recovered; and

"(5) to collect detailed data from selected States or localities on the actual investigative practices utilized by law enforcement agencies in missing children's cases.

"(b) In considering grant applications under this part, priority shall be given to applicants who—

"(1) have demonstrated experience in providing services to missing children or their families; and

"(2) substantially utilize volunteer assistance.

"ADVISORY BOARD

"SEC. 275. (a) The Administrator shall, within ninety days after the date of enactment of this part, appoint an Advisory Board on Missing Children (hereinafter referred to as the 'Advisory Board'), which shall meet periodically. Such Board shall be comprised of five members of the general public with experience or expertise related to missing children. The Advisory Board shall assist the Administrator in coordinating programs and activities related to missing children which are planned, administered, or assisted by any Federal agency.

"(b) The Advisory Board shall assist in the preparation of the annual comprehensive plan on missing children developed pursuant to section 273(c) and shall submit the first annual plan to the President and Congress not later than eighteen months after the date of enactment of this section.

"(c) Members of the Advisory Board shall be entitled, for each day such member is engaged in the actual performance of his or her duties as a member of the Board, to be paid at a rate not in excess of the daily equivalent rate of pay payable to a GS–8 employee under section 5332 of title 5, United States Code, including traveltime. All members of the Board shall be reimbursed for travel (including per diem in lieu of subsistence) as authorized by section 5703 of such title, subsistence, and other necessary expenses incurred by them in the performance of their duties.

"CRITERIA FOR GRANTS

"Sec. 276. The Administrator, in consultation with the Advisory Board on Missing Children, shall establish annual research, demonstration, and service program priorities for making grants or contracts pursuant to section 274 and, not less than sixty days before establishing such priorities, shall publish in the Federal Register for public comment a statement of such proposed priorities.".

Sec. 3. To carry out the provisions of this Act, there are authorized to be appropriated $10,000,000 for each of the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987.

Sec. 4. Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended by striking out all after "ending" through ", and"

and inserting after "1984" the following: ", September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988".

SEC. 5. Section 341(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5751(a)) is amended by striking out all after "ending" through ", and" and inserting after "1984" the following:

", September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988".

○

PREPARED STATEMENT OF HON. STROM THURMOND, A U.S. SENATOR FROM THE STATE OF SOUTH CAROLINA, CHAIRMAN, COMMITTEE ON THE JUDICIARY

The Chairman of the Subcommittee on Juvenile Justice is to be commended for holding this hearing today and for scheduling a hearing later this month on S. 2014, the Missing Children's Assistance Act. The fact that this bill has gathered forty cosponsors since the distinguished Senator from Pennsylvania introduced it last October is indicative of the importance that this body places on the issue of missing children.

I joined with Senator Specter as a cosponsor of the original Missing Children Act, introduced by Senator Hawkins of Florida, that was passed into law during the last Congress. That Act made it possible for law enforcement agencies to use the FBI Computerized Criminal Information Network in locating and identifying missing children. The psychological and physical well-being of our children must be protected. The Missing Children's Act was a first step.

The Senate Committee on the Judiciary and the Senate have passed further legislation that will be instrumental in protecting our children from abuse. Last year the Senate passed S. 1469, the Sexual Exploitation of Children Act of 1983. This bill is aimed at ending the source of child pornography by toughening the laws against those who sexually abuse and exploit our youth. These same provisions are contained in S. 1762, the Comprehensive Crime Control Act of 1984 that has recently passed the Senate. Other provisions of the Comprehensive Crime Control Act focus on those who would prey on our young through drugs, still other provisions would aid in educating the public in ways of preventing neighborhood crime. S. 1762 is intended to help keep those who victimize society behind bars.

While the main impact of the Missing Children's Assistance Act would be the reauthorization of the Office of Juvenile Justice and Delinquency Prevention, the bill would focus some of the resources of the Office on the location and recovery of missing children.

These hearings are intended to examine both the legislation and the problem. Too many Americans are saddened each year with stories of child murder or abduction only to dismiss the news by saying "that could never happen here" or "my child would never talk to strangers." The story of Adam Walsh and the Atlanta tragedies serve as vivid reminders that it can happen anywhere to anyone.

It is not my intention to scare the people; rather the purpose of this hearing is to make them aware of the problem. Adults and children alike must be educated. Everyone must be taught ways of protecting our children. We must lessen the likelihood of future tragedies.

Today we will hear firsthand accounts from people to have suffered the heartbreak of a missing child. We also hope to hear of ways to safeguard ourselves and where we casn turn for help. Thank you all for appearing today.

PREPARED STATEMENT OF HON. JEREMIAH DENTON, A U.S. SENATOR FROM THE STATE OF ALABAMA

Mr. Chairman, because I am greatly concerned about our nation's young people, I strongly support S. 2014, the Missing Children's Assistance Act of 1983. I am concerned about the plight of the thousands of children who disappear from their homes each year and I believe that we, as legislators, must do more to deal with the problem of those missing children. I therefore, commend you, Mr. Chairman, for sponsoring the legislation and for holding this hearing.

Mr. Chairman, missing children represents a growing national tragedy. The United States Department of Health and Human Services has estimated that each year approximately 1.8 million children are missing from their homes for varying periods of time. Approximately 90% run away for a few days and return home, but at least 100,000 children are abducted by one of their parents, and as many as 50,000 young Americans are reported as having been abducted by strangers.

Mr. Chairman, thousands of children and thousands of parents are victimized every year. The children disappear into the unknown. The parents live in an agony of searching for their children with little hope of success. There is no possible way that we, as outsiders, can even begin to understand the devastating grief that is so present and real in families who must deal with the trauma of a missing child. We may not be able to understand the grief, but we can certainly act to help deal with it. I firmly believe that the federal government must play a more active role in the process of finding missing children and returning them to their homes.

There is one man who had dedicated his life to aiding children who run away from their families. Father Bruce Ritter, a Franciscan priest and Executive Director of Covenant House in New York, was the guest speaker at the Senate Caucus on the Family meeting held on January 26. Father Ritter described his programs which serve over 1,000 teenagers a month who have run away or who have been thrown-away by their families.

These kids are the victims of one-parent, abusing or alcoholic families—families that have broken apart and who have given up on their responsibilities to rear and nuture their children. I believe we must re-dedicate ourselves to seeing that these homeless children are provided with the care and nuturing they need.

Father Ritter has experienced only a one-third success rate with his program. But the children who succeed are reconciled with their families or cared for in a setting which helps them establish independence and the capabilities to care for themselves sufficiently.

I believe that any legislation considered by this Subcommittee must address the needs of those parents who want to be reconciled with their children. In this way, we will be successful in diverting children from the juvenile justice system, as well as from the homeless life of the street.

Mr. Chairman, the term "missing child" often carries the connotation of abduction by a stranger. Although that is a real problem, we too often ignore parental kidnapping as a major cause of disappearing children. The number of child abductions by parents has increased alarmingly. The mounting rate of divorce and the increasing number of broken families have resulted in prolonged consideration of child custody cases. As a result, there has been an immense increase in parental kidnapping. I ask that an article dealing with the horrible phenomenon of parental kidnapping, entitled "When Parents Kidnap Their Own Children," from the Fall 1983 issue of Barrister magazine be entered in the record immediately following my statement.

Whether children have been taken by a parent, abducted by strangers, or run away from their homes, locating them can be an extreme hardship. Our mobile society has caused immense frustrations for local law enforcement agencies in tracking missing young people. Local law enforcement officials are the first to have responsibility for the recovery of missing children. It is very difficult, however, to solve the widespread problem solely on a local level. The lack of resources and expertise by parents and local law enforcement officials makes practically impossible the necessary widespread search and collection of necessary information about an abducted child.

Several communities around the country have started programs to aid police in their search for missing children. The Young Volunteers in ACTION, a program under the ACTION agency, developed a series of demonstration projects to be held in six cities around the country to educate and inform parents and children about the prevention of crimes involving children.

I am pleased to report that, on January 21 of this year, the first of the six projects, was held in Tuskegee, Alabama. The director of the project was J. B. Walker, the Tuskegee Chief of Police. I commend Chief Walker, along with the members of local organizations, ACTION, the Tuskegee school board, and private area industries who worked to develop and fund the day long event. It was designed to inform parents and children about how to assist in the prevention of child abduction and child exploitation.

The goal was to fingerprint and photograph 1,500 to 2,000 children under the age of 18, as well as to compile biological statistics of the children for the permanent records of the parents. The program was a great success. Twenty-five percent of the children under 18 years of age were fingerprinted and photographed.

That kind of community involvement is excellent, but in order to protect our nation's youth to the fullest we must provide for more active federal involvement.

In 1982, Congress passed the Missing Children Act. The act extended the FBI's authority to collect and record data about missing children. It requires the FBI to list missing children in a national computer accessable to most police departments across the country.

The Missing Children's Act of 1982 was only the first phase in the protection of our youth. The next phase, complementing the first, is S. 2014, the Missing Children's Assistance Act of 1983. The purpose of that legislation is to obtain greater national commitment and a nationwide effort in solving the disappearance of so many of our children every year.

The Act guarantees coordinated and comprehensive programs at the federal level to assist local and state authorities in the search for missing children. It extends the authorization of the Juvenile Justice and Deliquency Prevention Act through 1988. It provides for the establishment and maintenance of a toll-free telephone line for the reporting of information about the location of missing children, as well as the establishment of a national resource center and clearinghouse to provide technical assistance to law enforcement officials. I consider that provision to be an effective weapon in the battle against criminals whose targets are our young Americans.

I strongly agree that the bill will do much to aid parents and relatives of missing children by creating a nationwide source of data for investigations of missing children cases.

Mr. Chairman, I ask that a list of organizations with information about missing children, prepared by Marjorie Washington of the Congressional Reference Division, appear in the record following my statement.

It is critical that the federal government play an active role in the process of returning missing children safely to their homes. The passage of S. 2014 is an important step toward providing protection to America's children.

Mr. Chairman, I commend you for your introduction of the bill, and I offer my support in the attempt to assist parents to protect and to find their children.

[From Barrister]

A Child Is Missing—Parents do Kidnap Their Own Children—As Many as 50,000 a Year; the Question is: Are Child-snatching Laws Effective?

(By Herbert A. Glieberman—Attorney: author of "Closed Marriage and "Confessions of a Divorce Attorney." Research associate: Laura J. Jones.)

Three years ago Congress was confronted with the evidence that from 25,000 to 100,000 children a year were victims of parental kidnappings, as cited in Proposed Federal Parental Kidnapping Prevention Act: Hearings on S. 105 Before the Subcommittee on Child and Human Development of the Senate Comm. on Labor and Human Resources, 96th Cong., 2d Sess. 5 (1980). Only a small percentage of most children were ever reunited with their searching parents. To deter child-snatching and to locate abducting parents and missing children, Congress passed the Parental Kidnapping Prevention Act of 1980. Despite Congress's good intentions, according to many attorneys across the country, most of the act as enacted and enforced has proven to be of little value to the victimized custodial parent.

The PKPA basically provides for FBI assistance in states where child-snatching is a felony, a computerized "Parental Locater Service" to provide information regarding the location of abducting parents and missing children, and interstate enforcement of child custody judgments. The act represents Congress's first attempt at involvement in interstate child custody disputes of this nature. Such matters had previously been left to the states.

The only section of the PKPA that provides for active assistance in locating abducting parents and missing children involves the use of the FBI, the investigative arm of the Justice Department. The FBI was previously authorized, under the Fugitive Felon Act, to investigate and apprehend fugitives crossing state lines to avoid prosecution of a state felony. The PKPA extended the Fugitive Felon Act to make FBI assistance available if the abducting parent took the child across state lines to avoid prosecution for a state felony (i.e., child-snatching). This is cited in 18 U.S.C. § 1073 note (Supp. 1983) see P. Hoff, J. Schulman, & A. Volenik, Interstate Custody Disputes and Parental Kidnapping: Policy, Practice and Law, 8–24 (1982). By making FBI assistance available, the PKPA helps the state official who might otherwise be at a disadvantage in pursuing the abducting parent out of his own state. In addition to having access to resources unavailable to most people, the FBI also gives a parent who is without financial resources to hire a private detective a potentially very potent means by which he may be able to find a concealed child.

The process to obtain FBI assistance must be commenced by the state or local prosecutor. FBI intervention cannot be obtained by a parent or the parent's attorney. The state or local prosecutor must apply to a U.S. Attorney for a federal fugitive felon warrant. Pursuant to Justice Department policy, the prosecutor must show that the state is committed to prosecute and extradite the fugitive and that the present location of the kidnapper is unknown. The U.S. Attorney, at least in the past, has had to obtain approval from the Justice Department in Washington before he could issue a warrant.

After the warrant is issued, the FBI investigation begins. If the abductor is located and apprehended, he will be turned over to the local authorities in the state of arrest and the federal charges will be dismissed. He will either waive extradition or stand for extradition to the demanding state for prosecution by the state or local prosecutor on the state felony charge.

The major weakness in this section of the act is that the assistance of the FBI is only available if the child is abducted from a state where child-snatching is a felony (or if another felony has been committed). If the parent abducts the child from a state that treats the offense as a misdemeanor, there is not authorization for FBI intervention. Similarly, if the abducting parent takes the child to a state where child-snatching is a misdemeanor, the officials in that state may not be inclined to grant requests for extradition.

Currently, 18 states make child-snatching a felony; 13 states make it a misdemeanor; and 16 states have statutes that combine the two (i.e., a felony if the parent leaves the state, a misdemeanor if he remains in the state). A few states have no provision at all for child-snatching. If enforcement must depend on how a state classifies the offense, then each non-felony state should elevate the offense to a felony. Otherwise, FBI assistance under the PKPA will be unavailable to a distressed parent if a non-felony state is involved.

Most state felony statutes provide that the abductor must have violated a custody order to be charged with the offense. If there has been no custody determination, then the abductor has not committed a felony and the FBI will not be available to locate the abducting parent. Because a significant percentage of all parental kidnappings occur prior to the entry of a custody decree, relatively few people will be able to qualify for FBI assistance. Some states have recognized this problem, however, and have adopted statutes which require less than the violation of a custody order for the maintenance of a child-snatching charge.

IS THE ABDUCTED CHILD IN PHYSICAL DANGER?

In addition to these problems, the Justice Department has failed to enforce the PKPA, at least until recent changes in policy. There is no question that Congress intended for the Justice Department to take an active role in child-snatching cases. The Justice Department has been fully aware of Congress's intent that it give interstate parental kidnappers the same treatment it gives other felons fleeing across the state lines.

The Justice Department, however, has in the past refused to pursue parental kidnappers as it pursues other felons under the Fugitive Felon Act. After the passage of the PKPA, the Justice Department decided that it would refuse to issue a warrant in a child-snatching case unless there was independent credible information that the abducted child was in physical danger or then in a condition of abuse or neglect. In all other cases FBI involvement is automatic and a federal warrant is unconditionally issued once the fugitive crosses the state line. Attempting to justify the disparate treatment and the obvious burden now placed on the victimized parent, the Justice Department has maintained that child-snatching cases involve "family" matters that do not warrant the attention and resources that other, more serious offenses under the Fugitive Felon Act do.

Congressional opposition to the Justice Department's stance has had some effect. After Congress became aware of the Justice Department's continuing disregard for the PKPA and its refusal to substantively change its policy, it conducted investigations and held testimonial hearings. Two bills, in addition, were introduced to further manifest Congress's intent and directions to the Justice Department.

On October 12, 1982, Public Law 97-292 (HR 6976) went into effect and became known as the "Missing Children Act." The act was designed to assist the federal government and the states, as well as to "acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified, after the discovery of such deceased individual" and "to acquire, collect, classify and preserve any information which would assist in the location of any missing person (including an unemancipated person as defined by the laws of the place of residence of such person) and to provide confirmation as to any entry for such a person to the parent, legal guardian or next of kin of that person (the attorney general may acquire, collect, classify, and preserve such information from such parent, guardian, or next of kin)," all in an effort to assist in tracking down missing children.

Section (4) of the act permits the federal government to "exchange such records and information with, and for the official use of, authorized officials of the federal government, the states, cities, and penal and other institutions." With this new act in place and taken together with other legislation, it is hoped that the federal government will play a larger part in helping to locate and return missing children to their proper parents.

Recently, the Justice Department gave some indication that its position had changed somewhat. FBI Director William Webster ordered FBI agents to intensify and improve their handling of child-kidnapping cases. In a memo to the agents, Webster ordered the review of all cases involving the possibility of child-kidnapping regardless of whether a ransom was demanded or evidence of interstate transportation was presented. The agents in the future will have to justify, with complete documentation, why they decided to conduct a full investigation or why they decided to refrain from one. Lie detector tests, according to the memo, are to be used "selectively as an investigative aid and not routinely applied to the missing child's relatives."

Senator Paula Hawkins of Florida, who initiated the most recent investigation into the Justice Department's inactions, called Webster's memo "a tremendous step forward," and said that the FBI's action "demonstrates a real commitment to the investigation of child kidnappings." The FBI's response may indicate the Justice Department's long-awaited submission to congressional pressure in this matter. Whether the Justice Department is willing to raise child-snatching to the level intended by the PKPA is not discernable by Webster's memo, however, and remains to be seen.

The Justice Department, one might note, is not alone in exhibiting a reluctance to become involved in parental kidnappings. According to divorce attorneys across the country, local prosecutors do not always enforce state criminal child-snatching statutes and sometimes charge an abductor with a felony only as an accommodation to the victimized parent with no intention of prosecuting the abductor. Local police departments, moreover, are reported by many attorneys to give child-snatching cases low priority.

Because of the apparent inadequacy of state criminal legislation and because of the refusal of some federal and state officials to enforce parental kidnapping laws, some congressional support has been garnered to make child-snatching a federal criminal offense. [It is currently not a federal criminal violation to kidnap one's own child, 18 U.S.C. § 1201 (Supp., 1982).] Two bills have been introduced to this effect: H.R. 1440, 97th Cong., 1st Sess. (1981) and H.R. 5018, 97th Cong., 1st Sess. (1981). Both are currently pending before the House Judiciary Committee. Advocates say that child-snatching should be a federal crime to alleviate the problems associated with states that have various classifications for the offense. Abducting parents, moreover, might be less likely to kidnap their children if they knew that they would be committing a federal crime.

The PKPA also provides assistance in locating the abducting parent by use of the computerized Parental Locator Service. The PLS will provide the last address of the abducting parent and his place of employment, if known, if this information will be used to enforce a state or federal law with respect to the unlawful taking or restraint of a child, or to make or enforce a child custody determination. Previously available to locate parents delinquent in their child support obligations, the service does not offer any assistance in actively attempting to locate the missing parents.

Although the PLS does offer some useful information in locating missing parents, there are limitations. Furthermore, many abducting parents will remain underground. The PLS, consequently, would not be helpful if the abductor changed his name or used a false social security number. The state, in addition, may charge the parents a small fee for processing costs, and there may be a delay in receiving the information due to administration and procedure.

The third section of the PKPA requires that state courts enforce the custody determinations made by other states, consistent with federal jurisdictional standards. In the past an abducting parent woud often take a child to another state after he was denied custody in his home state. He would then petition the court in the second state for custody and allege that a "change of circumstances" warranted a modification of the earlier judgment or that the earlier judgment deserved no recognition of all.

Because custody judgments are not considered "final" and because it was not hard to show changed circumstances, especially in the absence of a distant, nonpossessing parent, the court in the second state would often modify the prior judgment, or not recognize it, and award custody to the abductor. Many times the other parent would then abduct the child and the whole process would be repeated. Had the first custody determination been granted full faith and credit, there would have been less incentive to kidnap and take the child to a more favorable forum and relitigate the issue. Also, there would be little possibility of conflicting judgments from two states.

Many of the problems associated with non-final custody determinations have been alleviated by the PKPA. Under the PKPA courts of a second state shall enforce child custody orders, except under certain circumstances, made by another state exercising jurisdiction consistent with specific, enumerated standards. In an effort to alleviate the problems discussed above, Congress, in effect, imposed judicial restraint where little previously existed.

With regard to the other major provisions affecting the enforcement of judgments, the PKPA also creates a duty to defer to the continuing jurisdiction of a state that made a custody determination consistent with various provisions of the act so long as that state has jurisdiction under its own law and remains the residence of the child or any contestant. See P. Hoff, J. Schulman & A. Volenik, Interstate Custody Disputes and Parental Kidnapping: Policy, Practice and Law, 3-33. In addition, it creates a duty to refrain from exercising jurisdiction during the pendency of an action in a court which is exercising jurisdiction consistently with the act. The PKPA further provides that before a custody determination is made, reasonable notice and an opportunity to be heard shall be given to the parties.

A previous attempt to provide for interstate recognition of child custody determinations had been made with the enactment of the Uniform Child Custody jurisdiction Act. That act similarly provided for the enforcement of the judgments of sister states, but each state was not required to adopt the act. At the time the PKPA was passed, requiring all UCCJA and non-UCCJA states to enforce the judgments of sister states, 43 states had adopted the UCCJA. In passing the PKPA, Congress apparently realized that the incentive for child-snatching would be ever-present unless no state would provide an opportunity to relitigate custody.

Except for interstate enforcement of child custody determinations, the PKPA does not offer as much assistance as it should to the victims of parental kidnappings. Although Congress may have meant well, the provisions of the PKPA as drafted will hardly accomplish the goal of helping distressed parents locate abducting parents and missing children through either FBI assistance or the PLS. Also, if the Justice Department does not in fact reverse its previous policy with regard to child-snatching cases, enforcement of the Criminal Provisions of the act will remain the same: non-existent.

ORGANIZATIONS WITH INFORMATION ABOUT MISSING CHILDREN

Child Custody Project, American Bar Association, 1800 M St., N.W., Washington 20036 (202) 331-2250.
Child Find, Inc., P.O. Box 277, New Paltz, N.Y. 12561 (914) 255-1848 (800) 431-5005 (toll-free number for searching children and those identifying them only; hot line open 8 a.m.-8 p.m., seven days a week.)
Children's Rights of Florida, P.O. Box 173, Pinellas Park, Fla. 33565.
Children's Rights of New York, Inc., 19 Maple Ave., Stonybrook, N.Y. 11790 (516) 751-7840.
Dee Scofield Awareness Program, Inc., 4418 Bay Court Ave., Tampa, Fla. 33611.
Family and Friends of Missing Persons, P.O. Box 21444, Seattle, Wa. 98111 (206) 782-8306.
Find Me Inc., P.O. Box 1612, LaGrange, Ga. 30241.
Mothers Without Custody, Inc., P.O. Box 76, Sudbury, Mass. 01776.
National Coalition for Children's Justice, 1214 Evergreen Rd., Yardley, Pa. 19067.
National Fund for Runaway Children 2001 S St., N.W., Washington, D.C. 20007 (202) 783-6417.
National Missing Children's Locate Center, 201 Yamhill Law Center, 1123 SW Yamhill Street, Portland, Oreg. 97205.
National Runaway Switchboard (800) 621-4000 (toll-free) (800) 972-6004 (toll-free in Illinois—service is called Illinois Youth Switchboard.)
National Youth Work Alliance, 1346 Connecticut Ave., N.W., Washington, D.C. 20036 (202) 785-0764.
Parents Against Child-Snatching, 5311A Williams Road, Norcross, Ga. 30093.
Parents Helping Parents-Child Abductions, Route 1, Box 406D, Myakka City, Fla. 33551 (813) 322-2082.
The Roberta Joe Society, P.O Box 124, Circleville, Ohio 43113 (614) 474-5020.
Runaway Hotline: (800) 231-6946 or (800) 392-3352 in Texas.
SEARCH 560 Sylvan Ave., Englewood Cliffs, N.J. 07832 (800) 526-4603 (toll-free) (201) 567-4040 (in New Jersey). Stolen Children Information Exchange, 210 ½ Main St., Suite 1, Huntington Beach, Calif. 92648 (714) 847-2676.
United Parents Against Child Stealing, Inc. (UPACS) P.O. Box 35428, Tucson, Ariz. 85740. (602) 749-9303 (24-hour service).

PREPARED STATEMENT OF HON. JOHN WARNER, A U.S. SENATOR FROM THE STATE OF VIRGINIA

Mr. Chairman, I want to join the other cosponsors of S. 2014 to urge early action by the committee to report this legislation so the Congress can act upon it.

Your leadership on the issue of missing children is outstanding. We cannot allow the initiatives started by the Missing Children Act of 1982 to cease. This bill will continue those programs and establish new programs to help coordinate the public and private efforts to locate and recover missing or abducted children.

Mr. Chairman, you can count upon my support to assist your efforts in every way possible. The children of our nation are vulnerable, and we must commit the resources necessary to prevent abductions and murder and assist in locating missing children. The 1.8 million children who disappear from their homes each year need a national program to help them in their need. This bill will be another step in the process to find a solution to this ever-recurring tragedy.

Thank you, Mr. Chairman.

Senator **Specter**. I would now like to acknowledge the presence of the distinguished Senator from Florida, Senator Hawkins, whose leadership has been outstanding in the field of missing children.

Senator Hawkins and I introduced the Missing Children's Assistance Act of 1983, S. 2014, on October 27 of last year, along with Senator Warner and 21 of our colleagues in the Senate. Senator Hawkins and I also worked closely in the 97th Congress to enact the Missing Children Act which was signed into law by President Reagan in October 1982.

So I am pleased to call on Senator Hawkins for an opening statement at this time.

OPENING STATEMENT OF HON. PAULA HAWKINS, A U.S. SENATOR FROM THE STATE OF FLORIDA

Senator **Hawkins**. Thank you, Mr. Chairman.

It gives me great pleasure to work with you again on this problem that plagues this country, missing children, and I appreciate the key role that you constantly play in the passage of this legislation and in your sensitivity of this subject.

We all realize that much more can be done to locate missing children, and perhaps most importantly, we would like to prevent their abduction in the first instance.

I am impressed and gratified by the work of the local and the State agencies and the numerous individuals, and especially the citizen action groups throughout this Nation, who I have met with and who I read about, who have dedicated themselves to protecting our Nation's most valuable resource, our children.

As impressive as all of our efforts are as volunteers, volunteer organizations that I meet with say that they are just unable to cope with the problem because it is so big. We are overwhelmed by the extent of the problem and the difficulties in coordinating the location and prevention activities in this mobile society that we live in.

Senator Specter and I have introduced the Missing Children's Assistance Act and it is designed to give help to those individuals and organizations who have labored so long and so well in this field.

This legislation simply establishes the national toll free telephone line for missing children, and it establishes a missing children's center and clearing house which would provide technical advice and expertise to all of the various groups and provide funding for these organizations for research, demonstration, and service projects.

I want to make it perfectly clear here that there is some fear that this legislation is intended to replace the work of you dedicated individuals, but it is not. It is just an additional tool to supplement the work you do.

It is impossible to replace the efforts of groups like Child Find and Find Me, Inc. and Child Keepers, and without individuals like Cathy Rosenthal and Gloria Yerkovich and John and Louise Klinckscales, we really would not be where we are today.

With Federal help and assistance, I believe we will be able to find many more children. Some of the individuals that we have mentioned will be testifying here today, and I think we will see the real need why we need Federal assistance and guidance to give some direction to solving the problem of missing children.

Thank you, Senator Specter. I am looking forward to a solution of the problem.

Senator SPECTER. Thank you very much, Senator Hawkins, for your opening statement.

I would like now to turn to our first witness, Mrs. Emily Hall Hynson of Colonial Beach, Va. Mrs. Hynson will describe for us how her 7-year-old son, Casey, was kidnaped in October 1983 while he was waiting for her in a van parked outside her apartment in Monroe Hall, Va.

Some 5-hours after her son's disappearance, Mrs. Hynson received a call from a man demanding a ransom.

We will now turn to you, Mrs. Hynson.

We welcome you and thank you for being here. Would you please state your full name for the record?

STATEMENT OF EMILY HALL HYNSON, COLONIAL BEACH, VA

Ms. HYNSON. Emily Hall Hynson.

Senator SPECTER. And would you now tell us what happened to your son?

Ms. HYNSON. Well, when you say like an apartment building, I come to the city today, and I forget what it is like to be in the city after being in the country so long, but it is a rural area, very rural, and I would say it was not as far as from you to me from my front door to where my van was parked.

And I am one of the fortunate ones because when mine was missing, it was a local. The person who took my child was not a quarter of a mile away, and he did not even have a car. It was strictly for money.

He had seen my dad's van, my dad's big truck at the bank. He is on the board, and when they move from the one location to the other, he saw moving the furniture and some of the file cabinets and stuff. It was just a community project. Where in the city you would hire somebody to move you, at home everybody pitches in.

Senator SPECTER. Mrs. Hynson, would you tell us a little bit about yourself? How many children do you have?

Ms. HYNSON. Well, I am from a big family of five children and I have one son, Casey, and I have a stepson who is 14.

Senator SPECTER. A stepson who is 14 and how old is Casey?

Ms. HYNSON. Seven. He will be 8 next month.

Senator SPECTER. And what does your husband do for a living?

Ms. HYNSON. He is a farmer.

Senator SPECTER. A farmer, and you are a homemaker?

Ms. HYNSON. Well, I work for my dad. Where Casey was taken from is my dad's grocery store, and my mother and father's home is in the back, where we all grew up.

Senator SPECTER. So one day recently you brought your son Casey to your father's grocery store or was he in the van?

Ms. HYNSON. He comes with me every day.

Senator SPECTER. He comes with you every day?

Ms. HYNSON. After school, you know, he gets off there until I get ready to go home.

Senator SPECTER. Now, what time of the day was this?

Ms. HYNSON. About 5:30.

Senator SPECTER. About 5:30 in the afternoon?

Ms. HYNSON. The bus stops.

Senator SPECTER. And you and Casey had driven over in this van which you have just described?

Ms. HYNSON. Yes, sir. I mean it is known locally. It is an old van.

Senator SPECTER. And did you leave Casey in the van?

Ms. HYNSON. Well, he had gone ahead of me. I had gone back to answer a question for a customer. The only thing that divides the house from the store is one door, and when I answered the question, which it could not have been 30 seconds——

Senator SPECTER. So where was Casey when you saw him last?

Ms. HYNSON. Standing in the middle of the kitchen floor, which was not 500 feet from the van.

Senator SPECTER. And what happened next?

Ms. HYNSON. Well, when I went outside, it was drizzly and rainy, and he was not in the van. So I went across the parking lot and back to the front of the store and looked all through and asked the different clerks and my stock boys if they had seen him.

Well, I looked over in the meat department where my sister works; where he usually goes over and plays his record player behind the meat counter with her. But he just was not there.

When I circled the store the second time and nobody had seen him, then I knew in my heart right then he was gone because he is not the kind of child to wander off.

One of my sisters was gone and so were my parents, and I said, well, maybe they circled in and picked him up, and you know, he is with them. I knew this was not true because, not that I demanded, but he will not even get in the car with my husband or my mother unless he comes and tells me first. We are that close, and so I knew the minute I could not find him that he was gone.

Then when my parents got back and my other sister, which was not 20 minutes, it was a sure thing that he was gone, and I would say within an hour the police department was combing the woods.

Senator SPECTER. Mrs. Hynson, did you file an official missing person's report with the police?

Ms. HYNSON. Well, I am not even sure. My dad called the county sheriff, and within minutes they were there.

Senator SPECTER. And you told the county sheriff what had happened?

Ms. HYNSON. Yes, sir.

Senator SPECTER. And what did the county sheriff do?

Ms. HYNSON. Well, he knew Casey, too, and he knew Casey would not wander off. So he had the men searching through the woods and volunteers, families, and the rescue squad and fire department, everybody, just in case it was somebody who had taken him locally, you know.

Everybody was trying to think what they had seen last at the time. Even customers that had heard about it had come back to the store to say what cars they had seen in the parking lot when they were there.

Senator SPECTER. And what action did the sheriff's office take?

Ms. HYNSON. Well, it was not—except for looking and trying to find out the details of what Casey had on and where he was last and everything, until the phone call came——

Senator SPECTER. Tell us about the phone call.

Ms. HYNSON. Well, at about 9, which is just before the store closes—so the kidnaper knew this; he wanted to make sure he caught me before I went home, see—when that—it was a relief almost when it came because the fear was that I would never see him again, and I would not know where he was or where to look, and so when I recognized that it was a local voice, a family group that comes in the store——

Senator SPECTER. Did you recognize the voice on the phone?

Ms. HYNSON. Not as the exact person, but there is a group that, you know, pretty much sounds alike. I sound just like my No. 2 sister. So it was a relief to know all they wanted was money.

Senator SPECTER. What did the man at the other end of the phone say to you, as best you can recall?

Ms. HYNSON. Well, he said, "Emily, Casey's all right." Well, the minute I knew that, I knew it was a first name that he knew me and he knew my son.

Senator SPECTER. So he called you, "Emily," as if you knew him personally.

Ms. HYNSON. And when we discovered who it was, I do know him, you know. I almost consider him a friend as you would a customer coming in your store, which made it even hurt worse.

Senator SPECTER. You do not consider him a friend any more, do you?

Ms. HYNSON. No, but I certainly feel sorry for him.

Senator SPECTER. And what did he say?

Ms. HYNSON. He said, "Casey's all right," and I said, "Where is he?" As much as I can recall, he said, "Have $75,000 by tomorrow or you will never see Casey again."

When you talk about a group, the intelligence level is so low I could almost tell he had to read that off a piece of paper, if he could read, or memorize it to say it without forgetting it. You know, even the FBI when they got there said they just cannot believe that there is this low an intelligent group in the United States, but it is because we deal with upper class so long that you forget, you know, what the back woods country is like.

Senator SPECTER. After the man said. "$75,000 or you will never see your son again," what did you say?

Ms. HYNSON. Well, I tried to extend it because it was being taped by that time, you know. So, I said, all right. I said, "Well, how will I know where to drop it or where to bring it or where can I meet Casey?" And I tried——

Senator SPECTER. Was that conversation taped?

Ms. HYNSON. Not that one because it was so quick.

Senator SPECTER. The later events were taped?

Ms. HYNSON. Well, see, this phone call brought the FBI in and then they set up the tapes and everything.

Senator SPECTER. And what action did the FBI take?

Ms. HYNSON. Let's see. I'm not sure about what time they got there, but it was some time between 11 and 1 in the morning. It was that quick, and they were wonderful. They had tapes between my home, which is 3 miles away, and the store, and they had a tape recorder and everything set up. They just—it seems like to me if you could ever feel confident that everything was being done, I did.

Senator SPECTER. And there was a plan for you to meet this man somewhere?

Ms. HYNSON. Well, the next day he called again and told me where to meet him and, you know, how to bring the money and everything.

Senator SPECTER. What did he say?

Ms. HYNSON. Well, I tried to get him to let me talk to Casey and to make sure he was all right, but it was a pay phone. I could hear that from the coins dropping. So I knew he could not have brought—anywhere there would be a pay phone, somebody would know my child. He has grown right up in the grocery store with me. So not that he is more special than any other child; just that he is more well known.

I would say there is not 10 percent of the whole county that did not know him if they saw him on the street, and I tried to find out, you know, where he wanted me to drop the money, and I tried to act like I really did not understand so that he would keep talking.

Senator SPECTER. And by this time the conversation was recorded?

Ms. HYNSON. It was recorded, and where he wanted me to drop the money was not a quarter of a mile from home.

Senator SPECTER. Exactly where did he want you to drop the money?

Ms. HYNSON. It is an old dirt country road, and the trees are really overgrown, and it is so thick at times you cannot see through them, and it is an old graveyard back up in there, and he told me to bring it to the old Taylor graveyard, and I guess the road is a half mile long, and then you can circle back and go back on the hard surfaced road again.

The FBI wanted to get in the van with me, and they wanted to give me fake money, but I did not know exactly who else was in on it because the group that I had in mind could not have plotted this out, and I figured if they did not bring Casey with them and it was not the right kind of money or the right amount of money, they may take it out on him.

Senator SPECTER. So you decided not to use fake money, but used the real money.

Ms. HYNSON. So we used the real thing.

Senator SPECTER. And the authorities did not want you to go to do this?

Ms. HYNSON. No, sir. They did not want me to go alone, but I knew if they saw anybody else, the rage that would hit them just because I did not do what they said—they trusted me. That is why they asked for me rather than my father or my mother.

Senator **Specter**. But you decided to use real money and to go alone in order not to take any chances with your son's safety?

Ms. **Hynson**. Yes, sir. I waited 8 years for him.

Senator **Specter**. And what happened next?

Ms. **Hynson**. Well, I went up on the old road, and it was so thick. I was looking to the right, which is really the Taylor graveyard, but see, they have lived there all their life, and they are still not sure what is called what, and when I came out at the end of the road, the bank is at the end where my dad's truck had been moving furniture, and the clock said 2:05. So I knew I was just 5 minutes past when he told me to meet him, and he was not in there. So I circled back again. It is almost like a banana shape where you go through, and when I went back again, I just parked it and waited, and then he came out of the woods on the left instead of the right where he told me to meet him.

He wanted me to get out of the van, and I told him I was not getting out until I got my son.

Senator **Specter**. One man?

Ms. **Hynson**. One I could see at the time.

Senator **Specter**. How was he dressed?

Ms. **Hynson**. Just bluejeans and a jacket and it looked—if you remember the old feed sacks, flour sacks the flour used to come in, but I do not know where he would have gotten them like now. So I do not know exactly what it was, but the corners were tied up like little bunny rabbit ears and two slits for eyes, and that is all, and white gloves on.

Senator **Specter**. So you were unable to recognize him with that hood?

Ms. **Hynson**. Well, it was only the distance of the width of the road from me, and since the type of people I am talking about wear the same clothes all the time, you know, they get new clothes and they wear them till they fall off, and then they get a new set, you know.

Senator **Specter**. Were you able to recognize the man from his clothes?

Ms. **Hynson**. From his walk, but see, that is not enough, you know, as far as, you know, being able to recognize somebody's features. But when he spoke to me, I knew which family he was from, and he told me——

Senator **Specter**. And what happened next?

Ms. **Hynson**. He told me to get out of the van, and I told him—he did not. He just signaled for me to get out of the van, and I told him I was not getting out till I saw Casey. So he went back to the woods behind him, and at the time I cannot remember if I saw one or two. My son says he was by himself. I have never heard him testify because they do not want me to hear what he has to say and vice versa, and when he would weave back and forth in the woods, there would be times I could see him, and I could not.

So when he bent down to get Casey, he had Casey sitting on a log blindfolded. I do not know if I thought I saw two at one time or I just saw one. I was as erratic as one person could possibly be at that moment.

Senator **Specter**. You were very excited, obviously.

Ms. **Hynson**. But anyhow, when he came back toward the road, all I was watching was Casey to see, you know, that he was all right and that he was walking and he was not hurt.

So then he signaled to me again to get out of the van, and I said, "You let him jump the ditch." It is, I guess, a 3-foot-deep ditch.

Senator **Specter**. Did the man examine the money during this time?

Ms. **Hynson**. No. See, I still had the money. So I said, "You let Casey jump the ditch and I will throw the money out." I did not get out of the van because I did not know who else was with him.

So when I threw the money bag to him, he let Casey's hand go, and he jumped. He was on the road, and Casey came in front of the van and got in on my side, and there was a welded—I have never seen money bags before, but maybe that is the way they come. There was a welded part where you could not have ripped it open with your hand. You probably had to cut something later to get it.

Had I known, fake money could have been fine, but I did not know that at the time, and it was not worth the risk.

Senator **Specter**. And what happened next?

Ms. **Hynson**. He just hollered at me, "This better be good," and ran back into the woods.

Senator **Specter**. And what did you do?

Ms. **Hynson**. Well, at the time I was all wired by the FBI, you know, and I was giving them detailed information as to cars I was passing, and little did I know none of it was working, you know, which is just as well. I probably was more confident had I thought I was being telecast or not.

Senator **Specter**. But the recording device did not work?

Ms. **Hynson**. No, sir. They thought they had lost me, and the helicopters were flying over. I could hear them, but they could not see me for the overgrowth of trees, but when they did spot me, that is when they came in. Just as Casey crossed in front of the van to get in, the helicopter called back to the police and said, "The child is loose," and they came.

Senator **Specter**. Were any arrests made?

Ms. **Hynson**. Not right then. I got at the end of the road. I am not sure if he is FBI or State police. They were all plainclothes policemen, and our county sheriff asked, you know, as much as I could tell them that quick, and then they ran back through the woods to see where it was and everything, and our sheriff recognized from the description of the clothes, and later because the boy had come right back into the crowd to watch the investigation.

Senator **Specter**. How long after your boy was returned was the arrest made?

Ms. **Hynson**. I do not think it was much more than an hour or so.

Senator **Specter**. And how many arrests were made, one?

Ms. **Hynson**. One from the clothes description.

Senator **Specter**. And was that man convicted?

Ms. **Hynson**. Well, they have not had the official trial yet. It is not until the 14th of April. My husband has reminded me that I do not want to say anything that would, you know, cause any chances of saying that I was publicizing it and therefore, the trial was no good. I do not want that to happen.

Senator **Specter**. Has the money been recovered?

Ms. **Hynson**. No, sir.

Senator **Specter**. What advice would you have for other parents, Mrs. Hynson, to prevent an occurrence such as your son's kidnaping?

Ms. **Hynson**. Well, I cannot say you can watch them every minute, and this is something that we have been doing as far as going home out of my back door for 8 years. So that was—you feel like your children are safe in their own backyard. I do not even have a neighbor, you know, close around.

I know I was lucky because we are such a close community, and when I called the sheriff—my dad called the sheriff and said, "Casey's missing." He knew Casey, knew his personality. The schools now put out a fingerprint system around in our area. This has shook up our whole county.

Senator **Specter**. What is your feeling about having a voluntary fingerprint system?

Ms. **Hynson**. I think if there is any chance that that would save a child, what does a little ink on their fingers hurt?

Senator **Specter**. Has your county put this fingerprint system into effect?

Ms. **Hynson**. All of the local schools have.

Senator **Specter**. Have you had Casey fingerprinted?

Ms. **Hynson**. Yes, sir. I have it at home pinned to the pantry wall.

Senator **Specter**. Under the Missing Children's Assistance Act which Senator Hawkins and I have introduced, we would establish a national resource center and clearinghouse and a national toll-free telephone line.

What are your thoughts as to the benefit of such a system?

Ms. **Hynson**. I think it would be most beneficial. I was lucky, like I say, because I could not think and my dad did the rest, but there are so many parents that do not have that many family around or know who to call at the time. If everybody knew that there was a local toll-free number like your emergency number, 911, if it was that commonplace, then it may save a life. It may be the time that you could catch whoever has got your child to hours wasted when you cannot get them back.

Senator **Specter**. Well, our basic concern is that local authorities, though well intentioned, may not have experience in finding a missing child. If this national system were established, your local sheriff, could benefit from the expertise on the national level and take whatever action may be appropriate to try to locate the child.

Do you think this national system would be of value to local and State authorities.

Ms. **Hynson**. Yes, sir, because I feel like your local police have all they can take care of with just the everyday things; that they do not have time or the money to be expertised in any of these fields.

Senator **Specter**. Senator Hawkins?

Senator **Hawkins**. I would like to tell you that there is a new system out now because of our effort to fingerprint children, which uses a new type of paper and no ink at all. So there is no more mess when you fingerprint children. I have been doing it quite a lot around the country, and it is a great new system, and we recommend it.

Did you have any current photos of Casey, a really recent photo?

Ms. HYNSON. Yes, ma'am.

Senator HAWKINS. If that day you had not been able to find him, you could have had posters made?

Ms. HYNSON. Oh, yes, ma'am. There were photos everywhere.

Senator HAWKINS. How were you able to raise that amount of money? Not every parent would have been able to get $75,000.

Ms. HYNSON. Well, I could not have raised 75 cents, but thank heavens—like I say, I think they really did not take my child versus they took my father's grandchild because they know he is on the bank board. I do not know why they think because you do these things—they are volunteer, I mean, as far as that goes.

We worked 12, 14 hours a day. Rich people do not work 12 to 14 hours a day, and the whole family works. We are there all the time, but certain people who do not understand economics see money. They feel you have money. So my dad—it took two banks. We are such a locale that it took two banks to raise that kind of money. We did not even have a bank that had that type of money.

Senator HAWKINS. Had you ever heard of any of the Child Find organizations prior to this?

Ms. HYNSON. Well, the story "Adam" earlier. I am most interested in children. Mine is my whole life, and I could not watch the story "Adam." I took Casey upstairs, and we read books until it was over because those kind of things upset me. You know, you always think they will not happen to you, but I listened to the end of it, you know, with the part of helping other people. I even taught Casey to use the area code. He knew his phone number since he was 3, but I never thought about the area code, and so it seems funny that the very next day when he got up for school, we learned the area code, and then this happens less than a month later.

Senator HAWKINS. Would it have been helpful to you to talk to another parent at any time during this period. A parent who had had this happen to them?

Ms. HYNSON. Well, I do not know if another parent. I think the most comforting thing was an FBI inspector who had handled a kidnaping case just prior to mine.

Senator HAWKINS. And you told Senator Specter he came that evening? How long did it take the FBI to come?

Ms. HYNSON. They were there and had the phone systems and everything set up by 1 or 2 in the morning. Time did not mean a whole lot at the [illegible], but I know it was just a matter of hours before our parking [illegible] was swarmed with police cars and dogs and everything.

Senator HAWKINS. You realize that is because you had the ransom request, that is why the FBI came so rapidly.

Ms. HYNSON. Yes, ma'am.

Senator HAWKINS. Thank you for being so brave and sharing this information with us today, and we are so thankful you have Casey back.

Ms. **Hynson.** Anything anyone can do to help children, I know they would try.

Senator **Hawkins.** Thank you very much.

Senator **Specter.** One or two more questions. How is your son now?

Ms. **Hynson.** He is fine. I have been wanting to take him to the child development center in Fredericksburg because the FBI agent had requested it, but so far appointments were booked on the days Casey could go.

Senator **Specter.** Do you believe Casey has escaped with no ill effects from this experience?

Ms. **Hynson.** I really do. There are several times that he is a little leery now, but like if we go outside at nighttime after I get off work and it is dark, I have to walk him to his side of the van, which I never did before, but as far as the boy himself, I am grateful it was the boy it was instead of one of his brothers because he said, "Momma, I like him. He even let me see his gun."

Senator **Specter.** Tell us about the weapon. What evidence was there of a weapon in the case?

Ms. **Hynson.** Well, the only evidence, I think–I am not positive. I have not gotten all of the details–but except for the fact that my son had mentioned it, I do not think there is. He had seen it, and Casey described it to the police, but I do not know one from the other. But he even described the fact that the boy had made something on the handle.

Senator **Specter.** Mrs. Hynson, thank you very, much for coming forward. We appreciate your assistance and your testimony. Thank you.

I would now like to call on Mrs. Jean Humphrey of Sallisaw, OK. Welcome, Mrs. Humphrey. We very much appreciate your joining us here today.

As I understand, you are an elementary school teacher in Arkansas. Tell us a little bit about yourself. Where do you live and where do you work?

STATEMENT OF JEAN HUMPHREY, SALLISAW, OK

Ms. **Humphrey.** I live in Sallisaw, OK, which is about 22 miles from Fort Smith, Ark.

Senator **Specter.** Right near the border?

Ms. **Humphrey.** OK, right near the border.

I am a third-grade teacher at Eckle's Elementary School. I have taught there for 18 years. I am single, never remarried. I have one child, Jamie Linn.

Senator **Specter.** And how old is your child, Jamie Linn?

Ms. **Humphrey.** Jamie will be 8 this month, February 25.

Senator **Specter.** And tell us in your own way what happened to Jamie Linn?

Ms. **Humphrey.** It is a much different story, although just as sad. This was a parental kidnaping. This is the second time also that Jamie was taken. I would need to start back when she was 3½ years old.

I had delivered my daughter for a week's visitation with her father in the spring or, rather, the fall. I dropped her off and left her there for the week, fully expecting to go back and pick her up again.

When I went back to get the child a week later, I found that the home was vacated, that there had been a travel trailer purchased, and leave had been taken off of work, and no post office box was still there. Everything was just gone.

As I began to investigate and make calls, I found that my ex-husband had left. He had, in fact, taken Jamie, and of course, this was my first time, first dealing with child stealing. I had not any idea what it was until this point.

I went directly, after about 2 hours of making telephone calls and trying to verify that the child was taken, to the police department, and did have difficulty getting anything done there, but I think mainly that is again because we are in a small area, and my husband, my ex-husband, had planned more than likely a year in advance to do this, and he had talked to the district attorney there without my knowing about it, and saying that there were altercations when he would come to pick up the child and that there were problems, of which there were none.

So this district attorney was in favor of my husband rather than myself, and so I had a hard time even getting him to talk to me. In fact, he left the office after approximately sitting in the outer office for an hour. He left by the back way.

Senator **Specter**. Now, returning to the basic facts, Mrs. Humphrey, did you leave your child with somebody?

Ms. **Humphrey**. I left her with the child's father.

Senator **Specter**. You left her voluntarily with the child's father?

Ms. **Humphrey**. Yes. It was a weekly visitation.

Senator **Specter**. How long had you expected your daughter to stay with the father?

Ms. **Humphrey**. For 1 week.

Senator **Specter**. And then when you returned, he was gone and there were no traces of the child?

Ms. **Humphrey**. No traces.

Senator **Specter**. And what did you do next in your efforts to locate your child?

Ms. **Humphrey**. This was the difficult part. We, of course, continued to ask for a warrant to be issued, and eventually this was done. From this we were one of the fortunate people that were able to get a Federal flight warrant, which involved the FBI.

Senator **Specter**. And how soon did the FBI come into the case?

Ms. **Humphrey**. Within a month. It took a month, but you know, things went slow.

Senator **Specter**. Your first complaint was to the local district attorney?

Ms. **Humphrey**. Definitely.

Senator **Specter**. And you told him about what had happened, and he was sympathetic to your ex-husband because your ex-husband had talked to him earlier and had sort of gotten the D.A. predisposed to be in your husband's favor?

Ms. **Humphrey**. Yes, that is correct.

Senator **Specter**. And how long did it finally take you to persuade the district attorney that your husband had, in fact, unlawfully abducted the child?

Ms. **Humphrey**. We did not persuade him. We persuaded an assistant district attorney, who put his job on the line.

Senator **Specter**. But the assistant D.A. did not overrule the D.A., did he?

Ms. **Humphrey**. He issued the warrant, and then it was never recalled.

Senator **Specter**. The assistant D.A. saw to it that the warrants were issued?

Ms. **Humphrey**. Yes, and from that point we then visited with our U.S. attorney in the area and tried to seek the Federal flight warrant.

Senator **Specter**. Did you receive cooperation from the U.S. attorney's office?

Ms. **Humphrey**. Yes, at that time we did, yes.

Senator **Specter**. And then you obtained the Federal flight warrant?

Ms. **Humphrey**. Yes.

Senator **Specter**. All that took about 30 days?

Ms. **Humphrey**. Yes, approximately 30 days.

Senator **Specter**. And at what stage, if at all, did the FBI come into the case?

Ms. **Humphrey**. I would say approximately at the end of that first month period. I understand the agent that was assigned to me went on vacation at that time. So I am not sure whether the file laid on the desk for that length of time.

Senator **Specter**. At this time Senator Hawkins must leave to fulfill her other commitments. She will submit additional questioins for the record. Thank you, Senator Hawkins.

What happened next after the Federal flight warrant was issued and after the FBI entered the case?

Ms. **Humphrey**. Once the warrant was issued and the agents entered, within a 3-month period my daughter was found in Everett, Wash. At that time my ex-husband had not changed his name, and he was still using credit cards and things that were easily traced, and so within——

Senator **Specter**. Your child was located in Everett, Wash.?

Ms. **Humphrey**. Yes.

Senator **Specter**. And how was your child so located?

Ms. **Humphrey**. Through FBI. They never really told me how they located her. They just called one day and said, "We have located your child. Would you please fly to Everett and pick her up," which is what we did.

Senator **Specter**. When you say "we," who went with you?

Ms. **Humphrey**. I have a very close-knit family also. I had two brothers that went, or, rather, a brother and a sister that went this time, and that was the first time.

Senator **Specter**. And was your daughter still with your ex-husband at that time?

Ms. **Humphrey**. She had been removed from his care and placed in a custody home, a foster home.

Senator **Specter**. How did it happen that she was removed from his care and placed in a foster home?

Ms. **Humphrey**. It was my understanding any time a child, there is a custody problem, the child is removed from both persons that are involved, placed with a foster home until the problem is taken care of.

Senator **Specter**. How was she located?

Ms. **Humphrey**. I have no idea. Again, the FBI.

Senator **Specter**. You never found out how she was located?

Ms. **Humphrey**. Right. I cannot tell you that. They never divulged that information.

Senator **Specter**. Do you know if she was located in the company of your ex-husband?

Ms. **Humphrey**. Yes, definitely.

Senator **Specter**. She was located in the company of your ex-husband?

Ms. **Humphrey**. Yes.

Senator **Specter**. Was your ex-husband prosecuted?

Ms. **Humphrey**. No, we were never able to get my ex-husband extradited from the State of Washington.

Senator **Specter**. You could not get him extradited?

Ms. **Humphrey**. This is a problem once you find——

Senator **Specter**. Why not?

Ms. **Humphrey**. There was nothing. There was no reason that they gave. I have a brother who is an attorney. We wrote letters back and forth. There was never any reason why they would not extradite him, but they did not.

Senator **Specter**. The procedure to be followed in such a case is that the Governor of the State where the alleged crime occurred presents a warrant to the Governor of the State where the defendant is located. Did the Governor of the State of Oklahoma present the warrant to the Governor of the State of Washington?

Ms. **Humphrey**. To my knowledge, that was not done, and maybe that is ignorance on my part.

Senator **Specter**. But you do not know why?

Ms. **Humphrey**. I do not know why.

Senator **Specter**. And did you make the request that the Governor issue that warrent?

Ms. **Humphrey**. I, again, think that is ignorance on my part. I did not make that request because I did not realize that that was my part, that I was supposed to do that. You know, I felt as though my child was home, and I had taken care of all that legal aspect, and I really did not get legal counsel to tell me to do that.

Senator **Specter**. Was there a connection between the TV movie "Adam" and the recovery of your daughter?

Ms. **Humphrey**. Yes.

Senator **Specter**. Would you tell us about that, please?

Ms. **Humphrey**. Now we are talking about the second time that Jamie was taken. The second time she was taken was from her kindergarten playground, and she was taken by her father.

Senator **Specter**. You have already recounted the first instance.

Ms. **Humphrey**. The first kidnaping.

Senator **Specter**. Which occurred about 2½ years ago?

Ms. **Humphrey**. No, that was when she was 3½. So that would have been in 1979. Is that 2½ years, approximately? A little bit longer than that. She was taken the first time when she was 3½. The second time she was taken she was 5½. Right now, presently, she is 8 years old.

Senator **SPECTER**. And what were the circumstances of her being taken when she was 5½?

Ms. **HUMPHREY**. All right. The second time, she was delivered to her kindergarten door. Her father was in disguise there and was just asking some directions from one of the teachers. As Jamie entered the door, he reached down and picked her up and began to proceed to take her to a car.

My father was there, the grandfather who is very devoted to Jamie and has helped take care of Jamie all of this time, especially under the circumstances; pursued the car also, four teachers. They broke a glass in the car. They got the man's glasses. They were able to do a great deal, but they were never able to get the child away from the man.

He got into the car and sped away at a high rate of speed, and so my father returned to his car and was going to pursue. There was a detective that had been hired by my ex-husband that was driving a white van that pulled in behind my ex-husband and my child to slow down anybody that might pursue the vehicle.

So therefore, my father could not pursue, and so he went directly to the police department, and they set up roadblocks. It did not occur that my child and my ex-husband were found, but the detective who helped was caught, and when he was brought to jail, he had the——

Senator **SPECTER**. The detective who had helped your husband abduct your child?

Ms. **HUMPHREY**. Yes, yes, that was driving the van. He was caught. He was stopped, and he was brought into the sheriff's department, and he admitted that it was Jim Humphrey that had taken the child.

Senator **SPECTER**. And this was a private detective?

Ms. **HUMPHREY**. Yes.

Senator **SPECTER**. Was he prosecuted?

Ms. **HUMPHREY**. No; again, this is a very difficult thing, and I cannot tell you why, but these people are not.

Senator **SPECTER**. Did you file a complaint against him?

Ms. **HUMPHREY**. Yes.

Senator **SPECTER**. With the District Attorney?

Ms. **HUMPHREY**. Yes.

Senator **SPECTER**. And what happened?

Ms. **HUMPHREY**. Nothing, absolutely nothing. We eventually–

Senator **SPECTER**. Was there a hearing?

Ms. **HUMPHREY**. No; he was——

Senator **SPECTER**. Were you represented by counsel? You mentioned that your brother is a lawyer?

Ms. **HUMPHREY**. Yes.

Senator **SPECTER**. Well, that is strange, Mrs. Humphrey. In a case like that it is kidnaping.

Ms. **HUMPHREY**. No, it is not considered kidnaping. It is child stealing, which there is a great deal of difference. The man, as long as he is helping the parent, he was not charged with kidnaping. He was only a witness to this whole thing. Again, you get into small town politics and small town law.

Senator **SPECTER**. Under Oklahoma law, is there a distinction between child stealing and kidnaping?

Ms. **Humphrey**. Yes.

Senator **Specter**. And what is the distinction, as you understand it?

Ms. **Humphrey**. Well, kidnaping is when your child is taken by someone other than the parent. Child stealing is when the child is taken by a parent. There is a definite difference in the weight of the two.

Senator **Specter**. But child stealing is illegal under Oklahoma law?

Ms. **Humphrey**. Yes, it is illegal, but it is not considered with the same heaviness as far as importance.

Senator **Specter**. It carries a lesser penalty?

Ms. **Humphrey**. Much lesser.

Senator **Specter**. But it is still a crime?

Ms. **Humphrey**. Yes.

Senator **Specter**. Well, I would suggest to you, Mrs. Humphrey, that the detective's role, in accordance with your description was one of an accomplice and a coconspirator. He was not simply a witness.

Ms. **Humphrey**. But you must get someone else that is there in the D.A.'s office to charge, to make these charges. I cannot do that, can I?

Senator **Specter**. No, you can. Any citizen can file a complaint against another who has allegedly violated the law. The next determination is whether there is sufficient evidence to make a prima facie case to proceed. You have the circumstance where your father witnessed your ex-husband take the child with the detective present. That in and of itself is sufficient evidence to proceed against the detective as an accomplice and coconspirator for whatever it was that your ex-husband had done.

Ms. **Humphrey**. Well, it is very difficult to explain, but in our community, in our area, nothing was done. Basically we did sue the company that the detective worked for, and we did receive a judgment from that suit.

Senator **Specter**. A civil judgment from the company?

Ms. **Humphrey**. A judgment, yes.

Senator **Specter**. Well, I would like to examine it, I will have my staff look at what happened in the criminal matter because as you describe it, it does not sound right.

But tell us about the circumstances for the recovery of your child, which is the more primary concern here today.

Ms. **Humphrey**. Yes, and of course, I have so much appreciation and gratitude for Child Find. That is our local, our association that works for helping to find missing children.

The movie "Adam" was shown approximately 3½ months ago. At the end of the movie there were 55 pictures of missing children. My little girl's picture was one of those shown, and that was on Monday night. At approximately Thursday, I received a call stating that they felt as though they had located Jamie Lynne in Canada under an assumed name, and I began at that time to make plans to fly to Canada, which we did the next day.

Senator **Specter**. So in the TV movie, "Adam," they showed a number of children who were missing and one of them was your daughter?

Ms. HUMPHREY. Yes.

Senator SPECTER. And someone found her?

Ms. HUMPHREY. Yes.

Senator SPECTER. And in whose custody was she at that time?

Ms. HUMPHREY. She was again in her father's custody, but he had assumed another name, a dead man's name in Canada.

Senator SPECTER. And where was she at that time, Vancouver?

Ms. HUMPHREY. No, she was located in Surry, which is a suburb of Vancouver, but she had spent a year in Vernon, the first year that she was away, and this is where the pastor that recognized Jamie lived, and Jamie and her father had attended church there with him, and so he did recognize the child, and he made the proper call to the authorities.

Senator SPECTER. Did your ex-husband then turn the child over to the authorities?

Ms. HUMPHREY. Yes. He had no choice. Again, they are taken from both parents and they are placed with the Social Services or with a custodian parent, a foster parent, until the matter can be resolved.

We did go to court. I arrived there approximately at 4 o'clock in the afternoon. We had a court proceeding between 5 and 8 that evening to determine who would have temporary custody of Jamie during the time, until we had a custody hearing, and I did win that custody.

Senator SPECTER. Did your husband contest that in court?

Ms. HUMPHREY. At that time, he had still not decided what he was going to do. He did not—yes, he did contest that point.

Senator SPECTER. Was he in court?

Ms. HUMPHREY. No, he was in jail. He was represented by his wife and her attorney.

Senator SPECTER. And did she contest the custody issue?

Ms. HUMPHREY. No.

Senator SPECTER. But at any rate, you were awarded custody of your child?

Ms. HUMPHREY. Yes, yes.

Senator SPECTER. And then you took your child home with you?

Ms. HUMPHREY. Not at that point. We waited the weekend, and on Monday we went back to court where final custody—see, I had temporary custody, and I had to go—I had to have final custody taken care of. So Monday we went back to court, and that was done, and then Monday afternoon I was able to bring my child back.

Senator SPECTER. But you obtained final custody?

Ms. HUMPHREY. Yes.

Senator SPECTER. And you brought your child home?

Ms. HUMPHREY. Yes. I might say that there was a Federal flight warrant issued also for this second kidnaping. It did take a while to get, but they were also very close to where my ex-husband was. I just cannot emphasize how important that the FBI is and that their warrants are because they have such a broad network of communications, and they can find people.

Senator SPECTER. You felt the FBI did a good job in helping you?

Ms. HUMPHREY. I felt as though at the time it was a long time this time. The first time it just took them 4 months. The second time it was more than a year before I had heard anything, but once Jamie was found and we began to talk with the agents, they had already gotten into Vancouver. They had already found the assumed name that my ex-husband was using. So, you see, they were just within a matter of weeks before they would have also located her.

Senator **Specter**. How is your daughter at the present time?

Ms. **Humphrey**. My daughter is taken care of well physically. My daughter has been able to adjust to a certain degree, it seems as though, beautifully, but I always will wonder about the emotional stress that she has gone through because she has been pulled apart between a father and a mother.

Senator **Specter**. How does she seem?

Ms. **Humphrey**. Outwardly, she seems fine. She seems fine.

Senator **Specter**. Was there any prosecution brought or pursued against your husband on this second instance?

Ms. **Humphrey**. Yes, and that again, I am not at liberty to talk about that because the trial has not been definitely set, you know,

Senator **Specter**. But the matter is pending?

Ms. **Humphrey**. Yes, it is pending.

Senator **Specter**. Do you think it would be useful to have a national clearing house to advise somebody in your position on the procedures to be taken to recover a child who is abducted?

Ms. **Humphrey**. Most definitely. Anything that can be done to a parent to help because you have no idea what you are going through. You have no idea the trauma that you feel when you face that you may not ever see your child again.

I am one of the fortunate ones. My daughter has been gone twice, and she has been returned twice, but I am sitting amongst people that have not been that fortunate, and my heart goes out to them. So anything that can be done.

Senator **Specter**. Are you apprehensive that your daughter may be taken again by your husband, who has made two successful efforts in that regard?

Ms. **Humphrey**. Yes, sir. I would have to term that considering it has happened twice, I do not see any reason why it cannot happen a third time, and if there is a new country, another place that will offer him a place to come, it will be done, and there is no way that you can prevent this.

Once a child becomes school age, if you are going to give them any normality in any normal school life, you cannot put them under lock and key, and when a child has a certain amount of flexibility in their movements, this can be done. She was taken. You know, I had her walked to the door of her room by her grandfather, and she was still taken even at the expense of four teachers fighting their way to the car.

You cannot stop it. If it is going to happen, you cannot stop these people. They can find some point in your schedule that is a weak point.

Senator **Specter**. Well, Mrs. Humphrey, I think your case certainly illustrates the need for some guidance and counseling on the rights of a parent in your situation and how those rights can be effectuated.

Ms. **Humphrey**. Definitely.

Senator **Specter**. The second kidnaping was obviously a result of failure of action on the first instance. The laws of our various States differ in some material respects, and Oklahoma may, as you say, have a lesser offense for child stealing as opposed to a regular kidnaping statute. When one parent has custody, the other parent has no right to take the child, and there are some States which regard that as kidnaping just as if the parent were not a parent at all.

Now as you described the first case——

Ms. **Humphrey**. I might mention that he also had sought custody of Jamie in the State of Washington, illegally, but he had also custody papers that appeared to be legal, just the same as mine, and so you know, we had to go back, and we declared those null and void, and it is a lot. A lot of things have to be done.

Senator **Specter**. Well, there are sometimes contests between two States. Sometimes the first State will say the custody is in the mother and the second State will say the custody is in the father. However, if the second State says custody is in the father without notice to the mother and an opportunity to contest that proceeding, then the second proceeding would be void. This is what you described here.

Ms. **Humphrey**. Which we did that, yes.

Senator **Specter**. But the central point that I was commenting on was the failure to pursue your remedies when your child was first taken. If a prosecution had been pursued at that time and if action had been taken against the detective, warrants would have been issued and extradition possibly obtained. I have seen many of those cases, and there are technical requirements that have to be complied with. But had there been an offense in Oklahoma, and it sounds as if there was, and had there been a national clearinghouse to give you the kind of counseling and advice you needed, the recurrence may well have been prevented.

Ms. **Humphrey**. That is very true. I agree with you fully.

Senator **Specter**. And you now know what you have to do to prevent a recurrence yet in the future?

Ms. **Humphrey**. Yes.

Senator **Specter**. Well, we very much appreciate your coming. Your situation is very important and illustrative of a very serious problem which we will be addressing.

Ladies and gentlemen, unfortunately I am due on the floor. I have to take a short recess, and I will return as soon as possible perhaps within 10 or 15 minutes.

We stand in recess for a short period of time.

[A short recess was taken.]

Senator **Specter**. The hearing will resume.

We now call upon the Honorable Mitch McConnell, Judge and Executive of Jefferson County, Ky., and Chairman of the Kentucky Task Force on Exploited and Missing Children.

Judge McConnell, we welcome you here. We appreciate your taking the time from your busy schedule to come to Washington.

As I said, it was only after I was in the hall that I heard you had a plane to catch, but I think that we will be able to accommodate your schedule. So welcome, and we await your testimony.

STATEMENT OF HON. MITCH McCONNELL, JUDGE AND EXECUTIVE OF JEFFERSON COUNTY, KY, CHAIRMAN OF THE KENTUCKY TASK FORCE ON EXPLOITED AND MISSING CHILDREN

Judge McConnell. Thank you very much, Senator.

It is a pleasure to be back in this room in a slightly different capacity. A couple of years ago, a little longer ago than I would like to remember, I sat on those back benches with the staffers when I worked for a U.S. Senator in this body. It is nice to be back in a different role about a subject that you have been instrumental in over the years. I want to commend you at the outset for your national leadership, as well as your involvement in this issue during your prosecutorial days, back in Pennsylvania.

I have admired your work for some time, and I want to commend you for it and Senator Hawkins.

Senator Specter. I appreciate it. We thank you.

Judge McConnell. I appreciate very much the opportunity to be here today and to lend my endorsement and that of the Kentucky Task Force on Exploited and Missing Children to the passage of the Missing Children's Assistance Act.

Mr. Chairman, I have submitted testimony in detail, which I would like to submit for the record.

Senator Specter. Judge McConnell, your full statement will be made a part of the record.

Judge McConnell. Thank you.

I would like to confine my remarks to a brief summary of the recommendations of the Kentucky Task Force on Exploited and Missing Children, this blue book which the staff has and which we produced last September after seven public hearings held around Kentucky. It includes a variety of different recommendations.

Deviating from the text just a minute, I cannot help but react to the testimony of the previous witness with regard to the noncustodial parental kidnapings. Kentucky happens to be one of only seven States in which parental interference with custody is simply a misdemeanor, making extradition quite difficult.

One of the recommendations that we are making to the general assembly in Kentucky, which is meeting right now, is that custodial interference be upgraded from misdemeanor to felony status so that authorities can get extradition in these cases. Otherwise you end up with some absurd results.

Senator Specter. But you say, Judge, only seven States classify it as a misdemeanor?

Judge McConnell. Right.

Senator Specter. The other 43 make it a felony?

Judge McConnell. The balance of them make it appropriately felonious conduct. In our judgment, and I know you share this view, there is no difference between kidnaping by a parent who does not have custody and kidnaping by a stranger. A kidnaping is a kidnaping.

Senator Specter. A couple of non-Oklahoma lawyers might speculate about what the law of Oklahoma is, a lawyer from Pennsylvania and a lawyer from Kentucky.

Do you happen to know?

Judge McConnell. My guess is that it is among the seven. Kentucky will not be in that category much longer. We are very pleased that the eight recommendations of this task force report, which require legislation, are being sponsored by the speaker of the Kentucky House of Representatives, and 49 other members of the Kentucky House of Representatives. Hearings on the bill happen to be going on today.

Senator Specter. In the other 43 States, is the taking of a child by a parent without lawful custody or from whom lawful custody has been excluded, considered in the same category as kidnaping?

Judge McConnell. I do not know, but I know it is at least a felony, which simplifies the extradition problem. As you know, Mr. Chairman, there were roughly 100,000 of these noncustodial parental kidnapings in America last year, and most of these parents do not have custody for darned good reason. If they were responsible parents, really interested in their children, they could simply petition the court for a rehearing and come back in and try to get custody of the child.

In fact, that is not what they have in mind. They are typically pretty bad characters, and you end up with some really horrendous results. That is not part of my remarks, but I wanted to react to her testimony because I thought it was very important.

Senator Specter. Thank you.

Judge McConnell. I might say, at the risk of bragging just a bit, that the Kentucky task force report has been generally considered the top product on this field in the country.

John Walsh was in Louisville back in November and indicated his feeling that it was the best product in this field of exploited and missing children that he had seen, and we are proud of that.

In developing our findings in the task force report, we attempted to show the relationship between runaway and abducted children, on the one hand, and exploited and abused children, on the other. There is a definite connection.

In fact, our study of 844 missing child reports filed last year with the Jefferson County Police Department—that is my home county—showed that about 9 to 10 percent of the missing children were exploited at the time they were missing. This compares with figures showing that 85 percent of the exploited children of Jefferson County dealt with through our exploited and missing child unit were missing during the period of exploitation. So there is a clear nexus between being missing, on the one hand, and being subject to exploitation, on the other.

Last fall, as I indicated earlier, the Kentucky task force concluded its series of seven public hearings held around Kentucky and adopted the final report to which I have made reference.

Our recommendations deal with the problems of runaways, parental abductions, which we have heard so much about this morning, stranger abductions, and the particular vulnerability of runaway and abducted children to exploitation and abuse, and we deal with them as if they are interrelated problems because, in our opinion, Mr. Chairman, they are interrelated problems.

Therefore, we and most experts in this area have termed the problem "the exploited and missing child problem." Early last week, as I indicated, our legislative package was introduced in Kentucky with significant sponsorship across the board.

As a result of our statewide efforts in Kentucky and because of the model programs in Jefferson County, we feel we have staked out a leadership position in this field, and we are proud of it and proud to have the opportunity here today to make some observations about the Missing Children's Assistance Act.

There are three concerns that I have with the legislation, Mr. Chairman, as it is currently drafted. I would like to respectfully suggest some modifications of the legislation.

First, the act presently calls for only 5 members of the advisory board. In my opinion, the act should call for at least 12 to 15 members. There are many people, with a variety of different backgrounds, who know a great deal about the field of exploited and missing children. While I have served on a few advisory committees that seemed too large and had nothing to do, my guess is that in this field you can certainly find 12 to 15 folks who really can add a different perspective to this whole area.

Second, the act also presently calls for services to missing children only through age 13 unless abduction is indicated. The age of concern for intervention by this act should be birth, beginnings through emancipation, which I guess in most States is 18.

All children should receive needed technical assistance and protection, not just the very young.

Third, the act presently fails to adequately address the nexus, as I said, between exploited and missing children as it is now known professionally. The National Resource Center on Missing and Exploited Children must seek to afford protection in an affirmative pro-active way to children from the beginning of their lives to age 18 in the overlapping categories of missing and exploited.

The relationship between being a missing child and becoming a victim of child exploitation, prostitution or pornography is entirely too close for any separation of resource or technical assistance that is afforded by the new national center. The separation of these problems serves to further endanger children already at risk.

I might say, Mr. Chairman, that one of the things that our task force did, that I know you have emphasized and that I think is extremely important, is the fingerprinting of schoolchildren.

In Kentucky now, in all 120 counties, there are fingerprinting programs going on. Nothing has raised the level of public awareness of this problem, with the possible exception of the movie "Adam," like the very graphic act of being fingerprinted. If those fingerprint cards have the right kind of message on the back to go home to the parents, they can raise the level of awareness significantly, not just of the missing child problem, but also of the exploited child problem.

I am assuming that one of the things that the National Resource Center which you are setting up would do is to promote voluntary fingerprints throughout the country in a very organized and efficient way.

Senator SPECTER. What has the response been among the parents to these fingerprinting opportunities for their children?

Judge MCCONNELL. Overwhelmingly positive. You know, when we first launched this program, particularly in some of the rural counties, we thought there would be a lot of objections because of privacy. So we make the point, of course, that it is strictly voluntary.

The other thing that some people ask, and it is important to disabuse them of this notion, is whether there is going to be a file kept somewhere with an additional copy of the fingerprint card. We have made certain, therefore, that parents understand that only one set of prints would be taken, and that that set of prints would go home, usually with the child, to the parent. That deals with whatever privacy problems parents might have.

So there has been almost nobody object to it throughout Kentucky, and that has been very, very heartening.

Senator **Specter**. So under that procedure the child's fingerprints are retained in the custody of the parents to be used if, as and when necessary?

Judge **McConnell**. That is correct.

Senator **Specter**. There have been quite a number of objections raised by civil liberties groups to possible incursions here.

Judge **McConnell**. Well, I would object, frankly, if there were going to be copies taken. I do not see any need in a free society like this to have a set of fingerprints on law-abiding citizens in some central police headquarters. I would object to that.

But this is strictly a voluntary thing, and the parents have the only copy. I see no possible objection, and frankly, there have been almost none.

Senator **Specter**. All of us who were in the military service, I believe, had our fingerprints taken.

Judge **McConnell**. I think that for a good purpose like this people are not going to object to it, and I think the uniform reaction in large communities and small communities was that this was a good thing to do.

Of course, we all know most of those fingerprints are never going to be needed. But the fingerprint card provided the vehicle to take home to the parent an additional message about this whole area. On the back of the fingerprint card we had, I think, a fairly skillfully crafted message to the parent about not just the missing problem, but also the exploitation problem. So that it served to generally raise the level of public awarness of the parents of this whole area of concern.

Senator **Specter**. Does that conclude your testimony, Judge McConnell?

Judge **McConnell**. It does, and I want to again thank you for sponsoring this act, Senator. I think it is an outstanding bill. I hope it will pass, although I would like to see a couple of modifications, as I indicated.

Senator **Specter**. Well, I think your suggestions are good ones, and we will take them into consideration. The larger advisory board recommendation has a lot of merit to it. I want to discuss that and the other suggestions you have made with Senator Hawkins, Senator Warner, and others. We very much appreciate your taking time, and we certainly do commend you for the leadership role which you have taken on the Task Force on Exploited and Missing Children in Kentucky.

So thank you for joining us. I think you have time to catch your plane.

Judge McCONNELL. Thank you, Senator. It was a pleasure.

[The prepared statement of Judge McConnell follows:]

Prepared Statement of Judge Mitch McConnell

Mr. Chairman and members of the Committee, I am Mitch McConnell, Chairman of the Kentucky Task Force on Exploited and Missing Children and the County Judge/Executive (the chief executive officer) of Jefferson County, Kentucky.

I appreciate the invitation to speak to you today on a topic of absolutely critical importance to all people. In my mind, there is no more reprehensible crime, no crime more deserving of serious punishment, than that of child exploitation and abuse. Similarly, there are few problems as deserving of national attention and state and local response as the problem of missing children.

I commend Sen. Specter and the members of this committee for holding hearings on this significant piece of legislation: the Missing Children's Assistance Act. Communities such as mine and states such as Kentucky are attempting to do all that they can to assist missing children and better protect all children from exploitation and abuse. There is a point, however, beyond which we can not go and where our resources can not reach. The national toll-free telephone line and national resource center and clearinghouse, that you propose, picks up where our work leaves off and will go a long way toward plugging the holes and gaps in the system that I will refer to shortly.

Allow me, please, to trace briefly the history of our involvement in Kentucky with this issue of exploited and missing children, to tell you what we have learned about the problem, and thereby to provide you with a better idea of what state and local governments can do and where they need the federal government's assistance.

Back in 1979 when we in Jefferson County first came to appreciate the gravity of the child exploitation problem, there was little public discussion of, and infrequent media attention paid to, the problems of children who run away or are abducted from their homes and who become the victims of adult sexual exploitation and abuse. A few good books had been written on the issue, such as Robert Geiser's Hidden Victims, and a few good articles had been written in such publications as Police magazine. Ken Wooden had just begun his work, and CHILD FIND was in its infancy. And so we were frankly shocked when we saw Louisville mentioned in a Chicago Sun Times newspaper article as a recruiting point for child prostitutes to work in Chicago. As a result of this tip in late 1979, we met with Chicago police officials to investigate these allegations that teenagers were being recruited out of the Louisville area for prostitution in Chicago, and I ordered a thorough undercover investigation by the Jefferson County Police Department, in cooperation with the FBI, [illegible] determine the extent, if any, of child prostitution and pornography [illegible] Louisville and Jefferson County. After a several month investigation, it was reported to me that male and female children were indeed being prostituted in our community.

I, therefore, moved quickly to establish a local intergovernmental, interagency Task Force on Child Prostitution and Pornography -- inviting to join us: the FBI, the Louisville Division of Police, the Jefferson County Department for Human Services, the Kentucky State Police, the U.S. Postal Inspection Service, southern Indiana police departments, and both local prosecutors -- the County and Commonwealth's Attorneys. I also committed scarce local government resources to fund a new Exploited Child Unit -- headed by an investigative social worker with extensive background dealing with street kids -- to work on a daily basis, using teams of police and social workers, across political and jurisdictional boundaries to solve a problem that was viewed, prior to that time, as essentially a police problem. Both the Task Force and Exploited Child Unit were given broad authority to go where they needed to go and look where they needed to look in order to find and help child victims and identify adult predators and their methods before they could strike again. I also asked the Task Force to utilize the University of Louisville to examine the problem thoroughly from sociological, economic and psychological perspectives as well.

Created in the wake of an increasing incidence of criminal victimization of children nationally, particularly through sexual exploitation, and at a time of outrage over the child murders in Atlanta, Chicago and Houston, our Jefferson County Task Force concluded after further investigation and research that a virtual epidemic of child tragedies was occurring in America and was spreading throughout Kentucky. The Task Force further concluded that there need not be an enormous "body count" (as in Atlanta) for there to be a tragedy in a given community. Rather child tragedies are most often those of individual children and individual families -- for example, the Adam Walsh family of Hollywood, FLORIDA, AND THE KATHY KOHM FAMILY OF SANTA CLAUS, INDIANA. NEVERTHELESS, THE WELL-PUBLICIZED CHILD TRAGEDIES OF ATLANTA, CHICAGO AND HOUSTON COULD REOCCUR IN LOUISVILLE AND ELSEWHERE, UNLESS THE TASK FORCE SERIOUSLY ASSUMED ITS ROLE AND MISSION AND AGGRESSIVELY ACTED TO PROTECT THE COMMUNITY'S CHILDREN.

IN JOINT TESTIMONY IN NOVEMBER 1981 BEFORE THE SUBCOMMITTEE ON JUVENILE JUSTICE OF THE UNITED STATES SENATE COMMITTEE ON THE JUDICIARY, TASK FORCE REPRESENTATIVES EXPLAINED THAT CHILD TRAGEDIES ARE MADE POSSIBLE BECAUSE OF HOLES OR GAPS IN THE SYSTEM. THE DEMANDS UPON LAW ENFORCEMENT AND SOCIAL SERVICE AGENCIES ARE MANY AND INCREASING, AND RESOURCE LIMITATIONS MAKE IT VIRTUALLY IMPOSSIBLE TO INVESTIGATE EVERY MISSING PERSON AND RUNAWAY REPORT. LAW ENFORCEMENT AND SOCIAL SERVICE AGENCIES WITHIN THE SAME COMMUNITY MAY NOT BE AWARE OF EACH OTHER'S EXISTENCE, LET ALONE SHARE INFORMATION AND WORK TOGETHER. BETWEEN COMMUNITIES THE INFORMATION-SHARING IS EVEN WORSE, DESPITE THE FACT THAT CHILD EXPLOITERS OFTEN MOVE FROM ONE COMMUNITY TO ANOTHER IN VIRTUAL ANONYMITY AND SECURITY. CASES OF VICTIMIZED OR EXPLOITED CHILDREN, THEREFORE, MAY OFTEN GO UNIDENTIFIED.

A NUMBER OF FACTORS APPEAR TO HAVE INFLUENCED THIS SERIOUS SYSTEM DISFUNCTION. FIRST, THE DECADE OF THE 1960'S HERALDED A SOCIETY OF CHANGING MORES AND ATTITUDES. WITH KIDS, LIKE SOCIETY GENERALLY, BECOMING MORE INDEPENDENT AND THUS MORE MOBILE, LARGER NUMBERS OF JUVENILES RUN AWAY FROM HOME EACH YEAR (NOW NUMBERING OVER A MILLION). THEY SPEND MORE TIME ON THE STREETS, BECOMING "STREET WISE" AT AN EARLIER AGE, AND ARE INCREASINGLY FORCED TO SURVIVE ON THE STREETS. THIS CHILD LIBERATION, WHICH IS A PRODUCT OF SOCIETAL CHANGE, HAS AS ITS DEVASTATING BY-PRODUCT THE INCREASED VULNERABILITY OF YOUNG PEOPLE TO VARIOUS KINDS OF EXPLOITATION. HOWEVER, THE PRESENCE OF A 12 OR 13-YEAR OLD BOY OR GIRL ON THE STREETS AT 1 A.M., OR OF ANOTHER CHILD WALKING THE SAME AREA EVERY NIGHT, MAY NOT SEEM PARTICULARLY UNIQUE OR CONCERNING IN TODAY'S SOCIETY.

SECOND, AN INCREASING OPENNESS REGARDING HOMOSEXUAL ACTIVITIES HAS FURTHER CREATED IN OUR COMMUNITIES A MARKET FOR YOUNG MALE "STREET HUSTLERS" WHO SERVE THE NEEDS OF "CRUISING" HOMOSEXUALS PURELY FOR ECONOMIC REASONS. SADLY, THIS "CHICKEN HAWK" PHENOMENON, AS IT IS TERMED, OCCURRING ACROSS AMERICA HAS LENT ITSELF DRAMATICALLY TO WAYNE

Williams and John Gacy types. Kids can end up murdered, but even if not, their lives are surely wrecked and tortured.

Third, there have been significant changes both nationally and locally in law and public policy. Changes in correctional techniques have resulted in the growth of community-based group homes, shelter houses and treatment facilities for children -- all less secure and more exposed to the community than the institutions they succeeded. Meanwhile, no subsystems have been created by law enforcement or social service agencies to insure increased support and protection for deinstitutionalized children who are placed "at-risk" in the community and expected to survive on the streets. Locally, only a small percentage of runaway children ever utilize a shelter house. Many of the others are abandoned to their own wits to survive -- often through drugs, prostitution, pornography, or other property crimes, but almost always for the profit of an adult criminally misusing the runaway child.

Fourth, there is often found a law enforcement attitude that "problem" kids are just promiscuous, flighty and of little informational value. Accordingly, social service and law enforcement agencies have generally performed their respective duties often unaware of adult pimp-juvenile prostitute networks that prey on teenage victims through sexual abuse and exploitation.

A fifth factor responsible for the system's failures nationally is the customary community attitude that child prostitution is a "victimless crime". Accordingly, it is often rated a low priority compared to other offenses -- this despite the fact that a growing pattern of victimization has been found in which juveniles become first the victims of child abuse (both physically and sexually), then run away from home, are recruited into prostitution and pornography by boyfriend/father-surrogate/business manager-styled pimps, and from there enter into violent crimes, perhaps even their own murder. This pattern has been defined as "progressive victimization" and has been confirmed by such national experts as Los Angeles Police Department Detective Lloyd Martin, who has observed that "the sexually exploited child of today has a good possibility of becoming the hare core criminal of tommorow". Indeed, research seems to demonstrate that the vast majority of violent sex offenders and child molesters have themselves

BEEN THE VICTIMS AS CHILDREN OF CHILD PHYSICAL ABUSE AND/OR CHILD SEXUAL ABUSE.

CHANGES IN SOCIETAL MORES AND IN LAW AND PUBLIC POLICY AND THE FACT THAT ATTITUDES THAT SHOULD HAVE CHANGED HAVE REMAINED INGRAINED, HAVE CONTRIBUTED TO THESE GAPS IN THE SYSTEM AND ARE PARTLY RESPONSIBLE FOR THE CHILD TRAGEDIES WHICH HAVE OCCURRED. BUT THERE ARE ALSO KIDS WHO ARE NOT RUNAWAYS, WHO ARE NOT FORCED TO THE STREETS AND "HUSTLE" TO SURVIVE -- THAT IS, KIDS WHO ARE MISSING BECAUSE THEY ARE ABDUCTED. THEY, TOO, TURN UP MURDERED, LIKE ADAM WALSH WHO WAS SNATCHED WHILE SHOPPING WITH HIS MOTHER IN A SEARS DEPARTMENT STORE AND MURDERED. THESE CHILD TRAGEDIES ARE MADE POSSIBLE BECAUSE OF THE SICKNESS OF ADULT EXPLOITERS.

UNDERSTANDING ALL THIS, THE PRIMARY MISSION OF OUR EXPLOITED CHILD UNIT IN JEFFERSON COUNTY HAS BEEN TO IDENTIFY ADULT EXPLOITERS, ARREST THEM, AND TRY TO REMOVE THEM FROM SOCIETY. IT HAS BEEN A BASIC PREMISE OF OUR EFFORTS THAT IF THE CYCLE OF VIOLENCE, REFERRED TO EARLIER, IS TO BE CURBED, POLICE/SOCIAL WORKER TEAMS AND TASK FORCES AROUND THE COUNTRY MUST AGGRESSIVELY SEEK TO FIND CHILD VICTIMS EARLY AND VIGOROUSLY PROSECUTE ADULT OFFENDERS. ACCORDINGLY, OVER 3 DOZEN MAJOR ARRESTS WERE MADE IN THE FIRST 3 YEARS OF THE EXPLOITED CHILD UNIT'S EXISTENCE IN JEFFERSON COUNTY, FREEING LITERALLY HUNDREDS OF CHILDREN FROM SEXUAL ABUSE AND EXPLOITATION.

IN ONE CASE, A LOCAL CLERGYMAN WAS ARRESTED AND INDICTED ON MULTIPLE SEX CRIMES CHARGES INVOLVING CHILD PROSTITUTION AND PORNOGRAPHY WITH APPROXIMATELY A DOZEN BOYS, AGES 12 TO 16. IN ANOTHER CASE, YOUNG BOYS WHO WERE RECRUITED OUT OF A LOCAL GROUP HOME TO WORK IN A NEARBY NIGHT CLUB WERE SEXUALLY EXPLOITED BY A NIGHT CLUB EMPLOYEE. IN ANOTHER CASE, LOUISVILLE POLICE AND THE JEFFERSON COUNTY EXPLOITED CHILD UNIT ARRESTED A WEALTHY, WHITE LOUISVILLE BUSINESSMAN FOR SHARING HIS EXCLUSIVE LIFESTYLE WITH DOZENS OF NEEDY BLACK YOUTHS FROM LOUISVILLE'S WEST END. ACCORDING TO NEWSPAPER ACCOUNTS, THE MAN (A BRITISH CITIZEN) HAD BOUGHT THE YOUNG BOYS FINE CLOTHES, DRIVEN THEM TO FASHIONABLE RESTAURANTS IN HIS LINCOLN CONTINENTAL, TAKEN THEM TO EXCITING TRIPS AND ENTERTAINED THEM IN HIS EXCLUSIVE HIGH RISE CONDOMINIUM. THE JEFFERSON COUNTY GRAND JURY HANDED DOWN A 54-COUNT INDICTMENT, CHARGING THAT HE USED TEENAGERS FOR SEX AND TRIED TO BRIBE A WITNESS. AFTER ANOTHER INVESTIGATION CONDUCTED BY THE JEFFERSON

County Exploited Child Unit along with special agents of the Kentucky Attorney General's Office and Kentucky State Police, a mail-order minister who was running a mission in Louisville was arrested, indicted and plead guilty in Simpson County Circuit Court on charges of child pornography and promoting prostitution of minors. For $6,000 in food stamps and $1,000 in cash, he sold one of two boys who he brought with him from Murfreesboro, Tennessee to Franklin, Kentucky for the sale. Louisville Police and the Exploited Child Unit last year also arrested a 36 year-old Louisville man and charged him with 91 sex crimes involving 13 boys ages 12 to 16. The children told authorities about a soft-spoken man who said he was a decorated veteran of the Viet Nam War, whose house was filled with comic books, plastic Star Wars figures and paintings of Jesus, who had a budding interest in computers, and who routinely beat his dogs. As with many of these cases, police found numerous photographs of young children.

Almost daily now, the Louisville newspapers contain stories of arrests and convictions of adults who have sexually exploited and abused young children. The Exploited and Missing Child Unit has cracked many of these cases, and the Louisville and Jefferson County Police Department Youth Bureaus are independently involved in many. For example, in early May of last year, a 52-year old man pleaded guilty in Jefferson Circuit Court to charges of sexual abuse involving two girls for whom he babysat. During the same week, a 37 year-old man was sentenced to twenty years in prison in Jefferson Circuit Court for sexually abusing a 9 year-old girl, and a 45 year-old man was convicted of sexual abuse of a 7 year-old girl for whom he babysat. Later that month, a 34 year-old man was sentenced to 15 years in prison on charges of sodomy and assault involving a 12 year-old boy. Soon thereafter, a 32 year-old man found guilty in Jefferson Circuit Court of raping a 4 year-old and sodomizing a 5 year-old boy. That same week, a 35 year-old man pleaded guilty in Jefferson Circuit Court to three counts of sodomy involving a boy 9 years old and a girl, 10. Another 32 year-old man was sentenced to three years in prison for sexually abusing a 14 year-old girl, and a 48 year-old man was sentenced to five years for sexually abusing a 7 year-old girl. In June, there were more reports in the newspapers. One of those involved a Fayette County man arrested on charges of sexual abuse and harrassment of young children in suburban Louisville. Also, a Lexington building contractor pleaded guilty in Fayette Circuit

Court to two counts of sodomy with a young boy after being charged with numerous counts of sodomy, sexual conduct, inducing sexual performance with a minor, and distributing child pornography. In July, a 19 year-old man was sentenced in Jefferson Circuit Court to twenty years in prison after he pleaded guilty to sodomizing a 6 year-old boy. A Louisville man was also sentenced to twenty years in prison for sexually abusing a 9 year-old girl and sodomizing a 7 year-old boy. Also, a Louisville man pleaded guilty to killing a 14 year-old girl by pouring chlorform on her bed clothes as she slept. Police said that the man, who apparently administered the drug off and on for several months, wanted to knock the girl out so he could look at her body.

The cornerstone of these successful investigative efforts are the police/social worker teams of our Unit (recently renamed the Exploited and Missing Child Unit) to which have been committed four full-time social workers and clerical assistance from the Jefferson County Department of Human Services, one full-time officer from the Jefferson County Police Department, three from the Louisville Division of Police and routine assistance from the vice and intelligence units of the two police departments. In addition, the City and County have committed the staff and resources of the local Crime Commission to coordinate local task force activities, and I committed one of my staff people to maintain daily contact on my behalf to help coordinate County involvement. The Commonwealth Attorney, Kentucky Attorney General's Office, and FBI have likewise committed their resources to these investigations and case prosecutions.

With this impressive involvement at all levels, law enforcement has gained new skills in child interrogation, investigation and protection. Exploited and Missing Child Unit team members have learned that kid cases are different, that children can not be treated simply as small statured adults, and they have consistently focused on the child as victim in an effort to affirmatively and asgressively protect children. These efforts and accomplishments have been carried through without grants of federal and state monies, but simply through a reallocation of County and City funds and resources, after a decision that kids deserve the highest funding priority.

We have learned that the criminal and juvenile justice systems

CAN AND WILL WORK TOGETHER. IN THE BEGINNING WE WERE WARNED ABOUT TURF DISPUTES, THE UNWILLINGNESS OF POLICE TO WORK AND SHARE INFORMATION WITH SOCIAL WORKERS AND VICE VERSA, AND ABOUT THE INABILITY OF DIFFERENT POLITICAL JURISDICTIONS TO WORK AS A TEAM FOCUSED UPON A PARTICULAR PROBLEM. BUT THROUGH INCREDIBLE GOOD FAITH AND A WILLINGNESS TO PARTICIPATE AS A TEAM TO SOLVE A PROBLEM, WE HAVE OVERCOME THESE CONCERNS. IN JEFFERSON COUNTY, OUR LOCAL POLICE DEPARTMENTS HAVE ACTUALLY ASSIGNED PERSONNEL TO THE POLICE/SOCIAL WORKER TEAMS WHERE THEY WORK IN TANDEM WITH ALL OF THE OTHER PARTIES TO THE EXPLOITED AND MISSING CHILD UNIT IN A NEUTRAL SETTING. POLICE AND SOCIAL WORKERS MAKE RUNS TOGETHER, INTERVIEW CHILDREN TOGETHER, AND WITHIN THE LIMITS OF THE LAW AND PROFESSIONAL ETHICS, SHARE INFORMATION AND JOIN IN ACTIONS FOR THE BEST INTERESTS OF THE CHILD. THESE ACTIONS HAVE OFTEN REQUIRED THAT A POLICE OFFICER ACT IN WAYS HE WOULD NOT ORDINARILY ACT IF HE WERE OPERATING AS AN INDIVIDUAL, AND IT HAS ALSO TAKEN SOCIAL WORKERS SLIGHTLY BEYOND THE REALM OF TRADITIONAL SOCIAL WORK. HOWEVER, THE NATURE OF THE PROBLEM AND THE VULNERABILITY OF THE CHILDREN REQUIRE ATYPICAL APPROACHES AND INNOVATIVE TECHNIQUES.

AGAIN, THE FOCUS OF OUR EXPLOITED AND MISSING CHILD UNIT IS THAT OF THE CHILD AS THE VICTIM, AND ALL OF OUR EFFORTS HAVE BEEN ORIENTED TOWARD PROTECTING CHILDREN -- THIS DESPITE THE FACT THAT MANY OF THE "STREET KIDS" ARE NOT WHOLLY INNOCENT, VULNERABLE VICTIMS, BUT RATHER ARE PERPETRATORS IN THEIR OWN RIGHT. WE HAVE DISCOVERED MAJOR OVERLAPS WITH OTHER CRIMINAL ACTIVITY, AND, IN FACT, HAVE FOUND THAT IN MANY CASES IT IS DIFFICULT TO PRECISELY IDENTIFY WHICH OF THE PARTIES IS EXPLOITER AND WHICH IS EXPLOITED. HOWEVER, RESEARCH FROM AROUND THE COUNTRY SEEMS TO DEMONSTRATE THAT THE VAST MAJORITY OF VIOLENT SEX OFFENDERS AND CHILD MOLESTERS HAVE THEMSELVES BEEN THE VICTIMS OF CHILD PHYSICAL ABUSE AND/OR CHILD SEXUAL ABUSE. IT, THEREFORE, HAS BEEN THE PREMISE OF OUR TASK FORCE AND THE EXPLOITED AND MISSING CHILD UNIT THAT IF WE ARE TO CURB THIS CYCLE OF VIOLENCE, POLICE/SOCIAL WORKER TEAMS AND TASK FORCES MUST AGGRESSIVELY SEEK TO FIND CHILD VICTIMS AND VIGOROUSLY PROSECUTE THE ADULT OFFENDERS.

WE ALSO HAVE DISCOVERED THAT WHILE THERE IS A CERTAIN SPONTANEITY ABOUT THE INVOLVEMENT OF STREET KIDS AND RUNAWAYS IN PROSTITUTION (THAT IS, WHEN YOU ARE HUNGRY AND NEED TO SURVIVE ON THE STREETS, THE OPTIONS MAY BE FEW), THERE IS ALSO AMPLE EVIDENCE OF NETWORKS AND organization of child prostitutes who know each other and exchange photographs and information. An apparent by-product of this "networking" and the type of adult who tends to frequent the areas in which child sex flourishes (that is, professional, prominent and affluent men with families) is the growth of extortion. This further demonstrates the potential for child victimization, murder and other violence.

A secondary, but equally important, mission of our County Task Force has been to sensitize the public to these shadowy problems. As an initial effort, the County Task Force distributed ten thousand posters throughout the community, alerting the people to a new 24-hour hot line to call with information regarding instances of child pornography or prostitution. The County Task Force has also met with and trained school administrators and counselors, church groups and community organizations. Because of this public sensitization, but also because of the new intelligence networks and communication channels we opened through the increased interagency, intergovernmental cooperation I spoke of earlier, we have fostered a remarkable flow of valuable information to our police/social worker teams of investigators. In the first 3½ years of recordkeeping in Jefferson County, we received almost 2,200 informational leads involving over 1,400 kids. The likelihood of exploitation or abuse existed in 87 percent of these cases.

In 3½ years we have made major strides in Jefferson County in beginning to control the problem and to make less likely the chance that child tragedies of the magnitude that occurred in Atlanta will happen in Louisville and Jefferson County. A particularly important initiative I took in late 1982 was to reconstitute and rename our Exploited Child Unit as the Exploited and Missing Child Unit.

We nearly doubled its staff complement and implemented detailed procedures for handling missing child complaints as well. A Jefferson County Police Department Beat Unit is now being dispatched on all missing child complaints that come to the County Police Department. The new Exploited and Missing Child Unit is then contacted for follow-up investigation. All missing child complaints are entered into the national NCIC computer soon after receipt of the complaint. Most importantly, the new Unit will not close a missing child case except by locating the missing child. The thrust of this effort is

TO INSURE THAT EVERY FEASIBLE MEANS OF LOCATING MISSING CHILDREN ON COMPLAINTS TO THE COUNTY WILL BE EXPLORED AS QUICKLY AND AS THOROUGHLY AS POSSIBLE BY THE POLICE/SOCIAL WORKER TEAMS SPECIFICALLY ORIENTED TO THE PREVENTION OF CHILD TRAGEDIES.

IN THE FIRST YEAR OF RECORDKEEPING ON THESE MISSING CHILD CASES, WE FOUND, INTERESTINGLY, THAT OF THE 844 COUNTY POLICE DEPARTMENT MISSING CHILD CASES REFERRED TO THE EXPLOITED AND MISSING CHILD UNIT, ABOUT 9 TO 10 PERCENT OF THE CHILDREN WERE EXPLOITED AT THE TIME THEY WERE MISSING. THIS COMPARES WITH OUR FIGURES SHOWING THAT 85 PERCENT OF THE EXPLOITED CHILDREN OUR UNIT DEALT WITH WERE MISSING DURING THE PERIOD OF EXPLOITATION. FOR YOUR FURTHER INFORMATION, 6 PERCENT OF THE UNIT'S ENTIRE CASE LOAD OF KIDS WERE MOTORCYCLE GANG RELATED.

ANOTHER INITIATIVE OF OURS WAS TO GIVE OUR EXPLOITED AND MISSING CHILD UNIT ITS OWN INTERNAL COMPUTER CAPABILITY. THE UNIT'S FILES WERE LITERALLY BULGING WITH NAMES OF EXPLOITED KIDS AND ADULT EXPLOITERS. THUS, THE COMPUTER GREATLY ENHANCES THE UNIT'S CAPABILITY TO LOCATE POTENTIAL CHILD VICTIMS EARLY AND TO TRACK AND IDENTIFY POSSIBLE ADULT PREDATORS. THIS IS THE COMPUTER AGE, AND TO NOT USE THESE TOOLS WOULD MEAN WE WERE NOT PUTTING FORTH THE EFFORT RIGHTLY EXPECTED OF US.

ON MAY 25, OF LAST YEAR, NATIONAL "MISSING CHILDREN'S DAY, I ANNOUNCED THAT POLICE AGENCIES THROUGHOUT KENTUCKY COULD BEGIN TO UTILIZE THE JEFFERSON COUNTY COMPUTER. WE KNOW THAT RUNAWAYS FROM MANY KENTUCKY COMMUNITIES NATURALLY MIGRATE TO LOUISVILLE -- THE BIG CITY. WE ALSO KNOW THAT THOSE WHO WANT TO EXPLOIT CHILDREN FOR COMMERCIAL SEXUAL PURPOSES TEND TO DO SO MOST FREQUENTLY IN THE URBAN ENVIRONMENT. THEREFORE, IT WAS AND IS MY SENSE THAT WE WOULD BE SHIRKING OUR RESPONSIBILITY TO KENTUCKY'S CHILDREN IF WE DID NOT MAKE AVAILABLE FOR STATEWIDE USE THE TECHNOLOGY WE HAD IN JEFFERSON COUNTY WITH OUR SPECIALIZED EXPLOITED AND MISSING CHILD UNIT COMPUTER. I WROTE TO EVERY COUNTY SHERIFF AND EVERY CITY POLICE CHIEF IN KENTUCKY TO EXPLAIN THAT THE EMCU COMPUTER PROGRAM CAN CORRELATE UP TO 250 DATA ITEMS ON EVERY MISSING CHILD REPORT, INCLUDING A VARIETY OF PHYSICAL DESCRIPTIONS, THE CHILD'S MOST RECENT LOCATIONS AND KNOWN ASSOCIATES. AND I SAID THAT ALL WE NEED TO ACCEPT A MISSING CHILD REPORT IS REASONABLE ASSURANCE FROM THE REPORTING POLICE AGENCY THAT A MISSING CHILD REPORT

ALSO IS ENTERED IN THE NCIC AND EVIDENCE OR REASONABLE SUSPICION THAT THE MISSING CHILD IS:

1. OUT OF THE CHILD'S LOCAL AREA;
2. TEN YEARS OF AGE OR YOUNGER;
3. MENTALLY INCAPCITATED;
4. DRUG DEPENDENT;
5. A POTENTIAL VICTIM OF FOUL PLAY, SEXUAL EXPLOITATION, OR IN A DANGEROUS ENVIRONMENT;
6. WITH ADULTS WHO MAY ENDANGER THE WELFARE OF THE MINOR; OR
7. ABSENT FROM ANY CHILD-CARING HOME, FACILITY OR INSTITUTION.

VERY YOUNG CHILDREN AND THE RETARDED ARE CLEARLY VULNERABLE AND LEAST LIKELY TO RUN AWAY, SAY, TO SPEND THE NIGHT WITH A FRIEND. A 6-YEAR-OLD MISSING FROM HOME, FOR EXAMPLE, IS LIKELY TO BE IN SERIOUS DANGER. THUS, WE CAN NOT STAND IDLY BY AND SAY THAT IT IS SOME OTHER POLICE AGENCY'S CONCERN AND NOT OURS.

TO HELP DRAW ATTENTION TO THE PROBLEM AND TO GIVE FAMILIES AN ADDITIONAL RESEARCH TO HELP LOCATE A CHILD WHO MAY TURN UP MISSING, WE ALSO ORGANIZED A COMPREHENSIVE, BUT VOLUNTARY, PROGRAM TO FINGERPRINT ALL SCHOOL CHILDREN IN JEFFERSON COUNTY. IN COOPERATION WITH PTA'S AND THE PUBLIC, PAROCHIAL AND PRIVATE SCHOOLS, WE ARE ATTEMPTING TO FINGERPRINT APPROXIMATELY ALL 130,000 LOCAL SCHOOL CHILDREN. OTHER ORGANIZATIONS (WITH HELP FROM LOCAL AND STATE POLICE) ARE HANDLING THE FINGERPRINTING IN THE OTHER 119 KENTUCKY COUNTIES WHERE WE HAVE FOUND SPONSORS: FOR EXAMPLE, THE OPTIMISTS IN PADUCAH, A BASKIN-ROBBINS ICE CREAM STORE IN MADISONVILLE, THE JAYCEETTES IN MURRAY, THE BUSINESS AND PROFESSIONAL WOMEN'S CLUB IN SOMERSET, WLPQ RADIO AND THE OPTIMISTS IN LONDON, AND THE WINN-DIXIE CHAIN OF GROCERY STORES STATEWIDE.

AS I INDICATED AT THE OUTSET, OUR JEFFERSON COUNTY EXPLOITED AND MISSING CHILD UNIT HAS LOCATED CHILDREN IN THE LOUISVILLE AREA WHO WERE MISSING FROM HOMES ALL ACROSS KENTUCKY. THE UNIT AND MY OFFICE HAVE ALSO RECEIVED REQUESTS FOR HELP AND INFORMATION FROM FAMILIES, PRIVATE ORGANIZATIONS AND LAW ENFORCEMENT GROUPS ACROSS KENTUCKY. BECAUSE OF THIS AND BECAUSE THE PROBLEM OF EXPLOITED AND MISSING CHILDREN IS CLEARLY A STATEWIDE PROBLEM, WE DETERMINED IN LATE 1982 THAT SOLUTIONS NEEDED TO BE DEVELOPED STATEWIDE AS WELL. THE KENTUCKY TASK FORCE ON EXPLOITED AND MISSING CHILDREN WAS THUS BORN.

COMPRISED OF CONCERNED PUBLIC OFFICIALS AND CITIZENS FROM ALL PARTS OF KENTUCKY, REPRESENTING A HOST OF DIFFERENT ORGANIZATIONS AND CONSTITUENT GROUPS, THE TASK FORCE DURING 1983 HELD SEVEN PUBLIC hearings in cities across Kentucky. We met three times in Lexington, (the last time on September 21, 1983, to finalize our Final Report), twice in northern Kentucky (once to co-sponsor a statewide conference), and travelled to Owensboro, Bowling Green, Somerset, Paducah and Ashland. The problems of runaways, child abductions and sexual and other criminal misuse of children, in the task force's view, must be brought out of the shadows and into the open, because people will not deal with these problems until they see and understand them clearly. This was our primary objective -- to increase the level of official and citizen awareness of this problem statewide and to offer suggestions for citizen involvement and governmental response.

The Task Force's Final Report is 108 pages long and contains a thorough description of the problem as well as 18 programmatic and legislative recommendations. I urge you to read this report in order to better understand the problem and appreciate what concerned citizens, state and local governments, and legislatures can do to combat the problem at state and local levels. But I also urge you to review this report in order to better appreciate that communities such as ours and states such as Kentucky are also limited in what they can do to combat the problem. The federal government has a responsibility to pick up where we must leave off.

Task Force Recommendations number 1 through 8 call for legislation, which was recently introduced into the Kentucky House of Representatives as House Bill 486. The speaker of the Kentucky House of Representatives is acting as chief sponsor of the bill, which has 49 cosponsors of the total 100 members of the Kentucky House of Representatives. The legislative recommendations, therefore, are as follows:

1. Legislation setting up a new and sophisticated computerized Missing Child Information Center and requiring all law enforcement agencies in Kentucky to accept, investigate, and relay to the state clearinghouse all reports of missing children. Similar to legislation in Florida, this legislation would also require the state Deparment of Education to establish a program to identify and locate missing Kentucky school children.

2. Legislation allowing Kentucky taxpayers to donate $2 ($4 in the case of joint returns) of tax refunds due them to a new

"Child Victims' Trust Fund". Trust fund monies would then be used to finance local prevention programs which educate children about the dangers of sexual abuse and about the lures of exploitation and which also encourage parents and school administrators to teach children about "body safety" rules and techniques.

3. Legislation encouraging youth serving agencies, and making clear that youth serving agencies have the right, to request criminal records checks on all persons who apply for employment or volunteer for positions of authority over children.

4. Legislation making certain sexual offenses against children "non-probatable" offenses. The idea that we could take convicted child molesters out of society and cure them in hospitals, or probate their sentences and trust that they will simply secure their own treatment, has long been fashionable in this country. However, a growing body of evidence, and an increasing number of medical, sociological and legal experts, are concluding that child molesters with long histories of emotional as well as sexual involvement with children *are not curable*. I join others in the belief that child molestation is no more an illness than, say, bank robbery is an illness and that treatment has been used as an escape from responsibility. I also endorse the recent recommendation of the President's Task Force on Victims of Crime which stated that those who prey on children must be sequestered from them. "They may be incarcerated in hospitals, treatment centers or prisons. But wherever they are held, they must not be released until they have served sentences that are commensurate with the harm they have inflicted. Child exploiters and molesters will continue to exploit and molest children as long as they are free to do so with impunity."

5. Legislation permitting the pretrial or out-of-court video taped testimony of children to be used in sexual abuse cases. The problem in sexual child abuse cases is that often the only witness to a sex crime committed against the child is the child him or herself. Stark, in-court, face-to-face, accusal of, and confrontation with, the child's intimate abuser can be extremely traumatic for the child. Abusers know that many cases may never be tried so that the child will not have to present testimony and relive the unlawful nightmare of sexual abuse. What is needed, therefore, is legislation which can

INSURE THE CHILD VICTIM'S ACCESS TO THE COURT WITHOUT FURTHER VICTIMIZATION, WHILE PRESERVING THE CONSTITUTIONALLY PROTECTED DUE PROCESS RIGHTS OF THE ACCUSED. OUR LEGISLATION IS MODELED ON LEGISLATION RECENTLY PASSED IN TEXAS.

6. LEGISLATION AMENDING THE KENTUCKY CRIME VICTIM'S COMPENSATION ACT TO PERMIT INNOCENT CHILD VICTIMS OF CRIMINAL ACTS TO CLAIM COMPENSATION FOR PSYCHOLOGICAL AS WELL AS PHYSICAL BODILY INJURIES. A CHILD VICTIM OF SEXUAL ABUSE OR EXPLOITATION MAY BE TORMENTED MUCH OF HIS OR HER FORMATIVE YEARS AND INTO ADULTHOOD AS A RESULT OF SUCH ABUSE OR EXPLOITATION, AND THE MENTAL ANGUISH AND SUFFERING CAN BE AS PAINFUL AND DEBILITATING AS ANY PURELY PHYSICAL HARM.

7. LEGISLATION MAKING THE OFFENSE OF INTERFERING WITH PARENTAL CUSTODY A CLASS D FELONY IN ALL CASES, THUS BRINGING KENTUCKY INTO LINE WITH THE MAJORITY OF OTHER STATES. CURRENTLY, THE OFFENSE OF CUSTODIAL INTERFERENCE IN KENTUCKY IS A MISDEMEANOR WHEN A FAMILY MEMBER INTERFERES WITH CUSTODY.

8. LEGISLATION UPGRADING THE OFFENSE OF "UNLAWFUL TRANSACTION WITH A MINOR" TO FELONY STATUS WHERE A PERSON KNOWINGLY INDUCES, ASSISTS OR CAUSES A MINOR TO ENGAGE IN ILLEGAL SEXUAL ACTIVITY. SOMETIMES THIS IS THE ONLY CHARGE THAT CAN BE BROUGHT AGAINST A PERSON WHO SEXUALLY MISUSES A YOUNG CHILD, AND SO, THEREFORE, THE PENALTY SHOULD ACCURATELY REFLECT SOCIETY'S ABHORENCE OF THE CRIME.

RECOMMENDATION NUMBER 9 CALLS FOR THE GOVERNOR OF KENTUCKY, BY EXECUTIVE ORDER, TO CHARGE THE STATE JUVENILE JUSTICE COMMISSION WITH INVESTIGATING AND RECOMMENDING POSSIBLE CHANGES IN PROCEDURES TO TERMINATE PARENTAL RIGHTS. ALTHOUGH THE TASK FORCE DID NOT CONSIDER LIGHTLY THE INVOLUNTARY TERMINATION OF PARENTS' RIGHTS TO THEIR CHILDREN, IT WAS PARTICULARLY DISTURBED WITH A POLICY RESPONSIBLE FOR CONTINUOUSLY SENDING ABUSED AND NEGLECTED CHILDREN BACK TO ABUSIVE AND NEGLECTFUL PARENTS.

RECOMMENDATION NUMBER 10 IS THAT CHILD FINGERPRINTING PROGRAMS NEED TO BE ORGANIZED IN EVERY KENTUCKY COUNTY TO INSURE THAT EVERY KENTUCKY CHILD IS PROPERLY FINGERPRINTED. AS I STATED EARLIER, FINGERPRINTING SPONSORS HAVE BEEN DESIGNATED FOR EVERY KENTUCKY COUNTY, AND VOLUNTARY FINGERPRINTING PROGRAMS HAVE BEEN OR ARE BEING OPERATED IN MANY KENTUCKY COMMUNITIES.

Recommendation number 11 is that call-back programs be instituted in every Kentucky school so that parents are immediately notified, and also police if suspicious circumstances are involved, when a child fails to report to school as scheduled.

Recommendation number 12 is that "body safety" education programs be provided in every Kentucky school by trained volunteers in order that children are properly informed about sexual abuse, the lures of exploitation, and how to protect themselves from sexual abuse and exploitation.

Recommendation number 13 is that Kentucky Education Television develop and produce a series of television programs on the topic of "body safety" which are appropriate for viewing by children of different age groups.

Recommendation number 14 calls upon the Kentucky Law Enforcement Council to develop and present to police officers statewide a 40-hour training program dealing with the subjects of exploited and missing children. This program has been developed and is now being taught.

Recommendation 15 calls for establishment statewide of local task forces in counties or multi-county areas, combining resources and focusing on the exploited and missing child problem from an interdisciplinary, cooperative approach, in order to expose the problem, raise public awareness, and initiate efforts to improve local services for exploited and missing children and better protect all children.

Recommendation number 16 asks that teams of police and social workers be established in counties or multi-county areas that can afford them in order to focus combined law enforcement and juvenile court efforts on the prevention of further child tragedies.

Recommendation number 17 asks that volunteer groups organize locally into organizations like SLAM (Society's League Against Molesters) and ECHO (Exploited Children's Help Organization), etc. in order to provide such services as court watch, child fingerprinting, victim counseling, and "body safety" education.

Recommendation number 18, which also has been accomplished, calls for the establishment of a statewide coalition of concerned citizens and organizations already working in this area of exploited and missing children to succeed the Task Force and help implement the Final Report as well as sponsor an annual statewide conference

ON THE TOPIC OF EXPLOITED AND MISSING CHILDREN. AT THE FINAL MEETING OF THE KENTUCKY TASK FORCE LAST FALL, THE KENTUCKY ALLIANCE FOR EXPLOITED AND MISSING CHILDREN, INC. WAS BORN AND IS NOW WORKING TO HELP IMPLEMENT THE RECOMMENDATIONS OF THE TASK FORCE FINAL REPORT.

CONCLUSION

OTHER STATES CAN ACCOMPLISH WHAT KENTUCKY IS ATTEMPTING TO ACCOMPLISH, AND OTHER COMMUNITIES CAN DO WHAT JEFFERSON COUNTY HAS DONE TO HELP LOCATE AND PROTECT CHILDREN WHO ARE MISSING AND REMOVE EXPLOITED AND ABUSED CHILDREN FROM EXPLOITIVE AND ABUSIVE CIRCUMSTANCES. THERE IS NO MAJIC FORMULA. BUT BECAUSE THE PROBLEM IS NATIONAL IN SCOPE AND OF MONUMENTAL PROPORTIONS, A FEDERAL RESPONSE IS ALSO ESSENTIAL.

BACK IN 1981 WHEN, AS I NOTED EARLIER, MEMBERS OF OUR LOCAL TASK FORCE TESTIFIED BEFORE THIS SAME SENATE COMMITTEE, WE NOTED THAT A CHIEF CAUSE OF CHILD TRAGEDIES WAS THE INABILITY OF GOVERNMENT TO RECOGNIZE THE PROBLEM AND TO RESPOND. WE SAID THAT OUR CONTACTS WITH CONCERNED PARENTS AND UNITS OF GOVERNMENT FROM COAST TO COAST DRAMATICALLY MADE THREE POINTS:

1. THAT GOVERNMENTAL AWARENESS OF PROBLEMS OR POTENTIAL PROBLEMS IN THIS AREA IS MINIMAL;
2. THAT GOVERNMENTAL COORDINATION AND INFORMATION-SHARING IS VIRTUALLY NON-EXISTENT;
3. THAT FEDERAL INVOLVEMENT, ASSISTANCE AND COORDINATION IS SIMILARLY, FOR ALL INTENTS AND PURPOSES, NON-EXISTENT.

PASSAGE OF THE MISSING CHILD ACT WAS CERTAINLY AN IMPORTANT STEP IN THE RIGHT DIRECTION. BUT PASSAGE AND EFFECTIVE IMPLEMENTATION OF THE MISSING CHILDREN'S ASSISTANCE ACT WILL RENDER THE THREE CLAIMS WE MADE IN 1981 INOPERATIVE. BY PASSING THE MISSING CHILDREN'S ASSISTANCE ACT, YOU WILL SHOW THAT THE FEDERAL GOVERNMENT IS AWARE OF THE PROBLEM OF EXPLOITED AND MISSING CHILDREN; YOU WILL DEMONSTRATE YOUR COMMITMENT TO BETTER COORDINATE SCARCE RESOURCES AND SHARE VALUABLE INFORMATION; AND YOU WILL PROVE YOUR CONCERN FOR YOUR MOST VULNERABLE CONSTITUENCY, THIS NATION'S CHILDREN.

I URGE IMMEDIATE PASSAGE OF THE MISSING CHILDREN'S ASSISTANCE ACT. THANK YOU.

Senator **SPECTER**. Now, I would like to call on Mrs. Gloria Yerkovich, founding director of Child Find, Inc. Mrs. Yerkovich and companion, come forward. Let the record show that Mrs. Yerkovich is being joined by a very attractive young lady with bright red hair. I have two sisters who had about that color hair. Enjoy it while you have it. That particular vibrancy is a fleeting quality in life.

Mrs. Yerkovich, we very much appreciate your coming here. You are the executive director and founder of Child Find, Inc. Rather than have me recount the good works of your organization, let us begin by asking you to describe that operation for us.

STATEMENT OF GLORIA YERKOVICH, FOUNDING DIRECTOR, CHILD FIND, INC., ACCOMPANIED BY TANYA YERKOVICH

Mrs. **YERKOVICH**. Senator Specter, it is a privilege to be here today, to be invited to share my work and my experiences with this committee.

This is my daughter Tanya. Tanya is 9 years old, and I got her teacher to agree that seeing her government in action was certainly worth missing 2 days of school today.

I brought Tanya here also because she has been involved since her birth in the problem of child abduction. Her sister Joanna was abducted when Tanya was 6 months old. Tanya does not remember Joanna, but she has grown up in the shadow of her absence.

She has also felt the strain that has grown between her mother and father, which has been brought about by the ongoing activities of a never-ending search to locate a missing child. That search to date has resulted in producing no results in the location of Joanna and very much economic and emotional stress to the entire family.

What Joanna has been through, we do not know. This is an ongoing grief and concern to me.

Senator **SPECTER**. Mrs. Yerkovich, you have two daughters?

Mrs. **YERKOVICH**. I have two daughters.

Senator **SPECTER**. Fine.

Mrs. **YERKOVICH**. Joanna is 15 years old now, and she was taken when she was almost 6 years old.

Senator **SPECTER**. And you are divorced from her father?

Mrs. **YERKOVICH**. She was taken by her biological father, yes.

Senator **SPECTER**. All right. Proceed.

Mrs. **YERKOVICH**. I have to assume that my daughter Joanna is still living. I have no proof that she is or is not, but if she is still alive somewhere in this world, I wonder how the harsh abduction has affected her life. I am sure that it has not been a positive effect upon her life.

Child abduction or the disappearance of a child under any circumstances carries its detrimental, rippling effects far beyond those individuals directly involved. With the figure of 1.8 million children missing each day in our country, no one can deny the magnitude of the problem. I think we have all recognized that, and we need not rehash it.

When my 6-year-old daughter was abducted in 1974, I literally had no place to turn as a parent. There was absolutely no help available to me at all.

Senator **SPECTER**. What was the background of that abduction?

Mrs. YERKOVICH. I am sorry?

Senator SPECTER. Would you describe the circumstances leading up to the abduction?

Mrs. YERKOVICH. Yes. In 1973 Joanna's biological father, knowing that I was on the brink of marriage or engaged to my present husband, Raymond Yerkovich, at that time could not deal emotionally with my marrying Raymond, and he decided to take the action that he had the right to take, and that was to bring court action to have custody of or visitation of Joanna.

This was first brought in Virginia. When my husband, Raymond, finished his doctoral program at the University of Virginia, we moved back to his home territory, which is the area I live in now in the New Paltz, New York area. That is in Ulster County.

Immediately Joanna's father then moved the court action to Ulster County, and there ensued over a year's court dispute as to visitation. It finally came down to visitation.

I had Dr. Albert Solnik from the Child Study Center of Yale University make the second testimony he has ever done in his life in court in behalf of Joanna, saying it was not to her benefit but to her detriment to have her life infringed upon by visitations because we knew that her father was not seeking visitations out of love or concern for Joanna, but to disrupt our family life.

He had made a threat to me 2 years prior that he would use every avenue available to him and every dime that he had to see that my life was destroyed. So it very clearly points up the usual motive in these cases, which is revenge. It is a vengeful act.

So he was granted his first visitation on December 20, 1974, and he came to pick up my daughter Joanna, at which time she protested very much. She said, "I don't want to leave my family. Couldn't I just stay here?" It was right before Christmas and right before her birthday.

The last memory I have of my child, at about 20 minutes to 6 that evening, was she was not a demonstrative child. She was rather a very sedate child, but he finally had to pick her up, and she kicked and screamed, and the last memory I have of her was her looking over his back as she walked with him, with her arms outstretched to me, saying, "Mommie, Mommie, please help me."

So I have a lot of drive behind what I have done.

After Joanna's abduction I will try to capsulize very succinctly. We did what every parent does. You turn to law enforcement. You go back to the courts. I succeeded in getting three warrants, ultimately a felony warrant, and I tried to get a UFAP warrant, which would have brought in FBI intervention.

I would have felt that I would have had some real substantial help because I knew that Joanna was not in the same State. I figured that she had been taken outside the country. Ultimately I proved that she had been taken out of the country, but at that time I could only guess knowing the circumstances as well as I did.

I was unable to get a UFAP warrant.

Senator SPECTER. Why were you unable to obtain that warrant?

Mrs. YERKOVICH. At that time——

Senator SPECTER. If you know.

Mrs. YERKOVICH. Yes. At that time I had to prove that my child had been taken across State lines, in addition to proving that she was in dire harm, physical harm, and I could not prove at that time either of those.

December 30, 1983, I did get the intervention of the FBI formally. So the FBI is——

Senator SPECTER. How did you get it at that time?

Mrs. YERKOVICH. Because of the restrictions on the FBI have been lifted in this past year, in 1983, because of the Missing Children's Act, only because I had some information from private sources and I felt that there was a possibility that these could be followed because the FBI has the resources.

Senator SPECTER. Tell us about it fully because I am very interested. The legislation which we enacted did make some changes in the procedures of the FBI, and I would be very interested to know specifically how these changes made it easier for you to obtain their assistance.

Mrs. YERKOVICH. Well, I was advised. Of course, as soon as that act went into effect, I was very excited about taking advantage of it for my own case. Of course, through Child Find we advise every other parent to take advantage of it also.

There have been problems though. The FBI personnel that I have dealt with have reported to me that there have been only a few, less than 1,000, cases where they have been asked by parents to come into these cases, and my figures are that only slightly over 150 cases have been resolved through FBI intervention this past year.

But through 1983, there was a relaxing on the part of the restrictions of the FBI becoming involved particularly in parental abductions.

Senator SPECTER. How many parents do you estimate could take advantage of that change in FBI procedures?

Mrs. YERKOVICH. It is my understanding that a parent must have a felony warrant to do this. Even in my own case, one thing that made it very easy was finally the district attorney in Ulster County telling the U.S. Attorney General that they would be willing to extradite from any place in the world. You have to get that promise that your county will pay for it. This is one thing that makes it a little easier.

Then there is a Federal warrant, a UFAP warrant, unlawful flight to avoid prosecution. We still do not have that in hand. That takes a lot of paperwork, and it takes a lot of prodding. In my case, possibly because my case is so well known, I have an FBI agent who is really pursuing this. It has become a top priority in his work, and so he is pursuing it, but there are a lot of technicalities to overcome, and having a felony warrant, I believe one must.

There are still some restrictions. You have to have good reason to believe that the child was taken over State lines.

Have I fully answered your question?

Senator SPECTER. Yes. Thank you.

I would like to pursue with you further the circumstances surrounding the changes in FBI policy which you described. That change in FBI procedures was not occasioned by the 1982 Missing Children Act. It was occasioned by some oversight hearings which we had and the recommendations that the subcommittee made to the Attorney General and to the Director of the FBI. As a result, they modified their procedures in accordance with existing law.

So it is of interest to us as to how that change has affected your situation and may affect other situations if people are made aware that many technical requirements and old standards of the FBI are no longer in effect.

Mrs. YERKOVICH. Yes. May I ask a question of you? Is that going to continue, that policy of the FBI going to continue, or is it going to——

Senator SPECTER. Their policy will continue whereby they do not impose such technical requirements to activate their participation. The current policy will remain in effect.

Mrs. YERKOVICH. That is good, and we are doing our part at Child Find to tell parents who call us that this is available to them, but in most instances they must persevere. They must really hang in there and press for action. It is not a matter of just asking the FBI to come in. You must go through certain steps and press for its action.

Senator SPECTER. Well, that, unfortunately, is a part of all of the process.

Mrs. YERKOVICH. Yes.

Senator SPECTER. Where there is a private party who has been injured, it is necessary that this party be very vigilent and very active in pursuing the remedies which the law makes available.

Mrs. YERKOVICH. Yes. This has become very clear to all of us who work with the problem.

But back in 1974, when my daughter was abducted, there was not the kind of help that we have today. Through my frustrating experiences, I learned that there were hundreds of thousands of parents and children in the situation that my child and my family found ourselves.

We were faced with: You may have your warrants; you may have your felony warrants, but until you can locate the child, we cannot do anything for you. This came from law enforcement and others, and parents did not have anything available to them to help them locate children because in almost every instance the abducted, whether it is a stranger abduction or a parental abduction, is taken out of the jurisdiction, the local jurisdiction.

Once you go beyond that, then your local jurisdiction cannot assist you, and there has not been, until recently, anything available on a nationwide basis.

So in early 1980, I founded Child Find, which is a national, nonprofit agency for the location of missing children, which has become a national clearinghouse for missing children information. With volunteers and very limited financial resources, we were able to assist in the location of nearly 800 children to date since the first location, which was made in 1981.

Child Find maintains a nationally known toll free telephone number where individuals who have information on the whereabouts of missing children may call us in confidence and give that information. Then we match the information with registered children with our agency, and more and more as we become well known and the more people that are calling in information to us, the more children we are able to find in this respect.

We also use a growing network of cooperative investigating resources nationally, and not to minimize it, because I think it has been a maximum assets, without the ongoing interest and full cooperation of the print and broadcast media taking Child Find's message to the public and exposing the children's photographs for identification we could not have succeeded as we have to date.

It is so clear that finding the children is a vast cooperative endeavor, requiring, among many others, the responsiveness and commitment from print and broadcast media to carry the message and to carry the children's pictures, from law enforcement, schools, individuals who have information, the children themselves, and our Government.

With the passage of the Missing Children Act in October 1982, missing children were at least acknowledged as a national tragedy, and a passive system already established for other purposes was made available to missing children and their parents.

You, Senator Specter, and Paula Hawkins were not content with that, as I understand it, and have, therefore, introduced, along with many other supporters, the Missing Children's Assistance Act, which will actually take the concern for missing children and put it into action, which can not only help us locate missing children, but bring the education to the people and the children themselves, who can make a difference in terms of prevention and the location of missing children.

As the mother of a missing child and as the founder and leader of the most well known missing children clearinghouse, I feel very positive about the value of the Missing Children's Assistance Act in fulfilling the critical need of coordinating a central, national clearinghouse which would augment and assist those private organizations already in existence in coordinating and utilizing existing resources toward prevention through research and education.

The already missing children can be found faster and more effectively through Government technical assistance and financing.

I am very grateful to the individuals who have worked so tirelessly for missing children and the protection of all children. We have come a long way since 1974. We cannot stop now. We must go the rest of the way.

I have great hope in this particular act. I agree with Judge McConnell on two points that he made, and they were that the advisory board should be expanded, particularly to include some of those grassroots individuals who have worked with the problem as I have during the past 4 years and some others that I can think of.

I agree with him also in altering the age limitation to age 18 rather than 13 for a missing child.

Thank you.

Senator **Specter**. Thank you very much.

Let me ask you about your organization, Mrs. Yerkovich. I note that your organization has assisted in the location of more than 775 children.

Mrs. **Yerkovich**. Yes.

Senator **Specter**. How have you done that?

Mrs. **Yerkovich**. We have done it through——

Senator **Specter**. You are rivaling the FBI, aren't you?

Mrs. **Yerkovich**. I am sorry?

Senator **Specter**. You are rivaling, if not exceeding, law enforcement.

Mrs. **Yerkovich**. We do not like to say that. We would like to work along with them, and we do.

The FBI personnel we have worked with in our office, and there are a couple who come from——

Senator **Specter**. You endorse the FBI?

Mrs. **Yerkovich**. Absolutely.

Senator **Specter**. How did you help find these 775 children?

Mrs. **Yerkovich**. We have worked with the media. We found approximately 30 percent of them with the cooperation of the media, the airing and the printing of the children's pictures. For instance, the movie "Adam" which carried 55 children at the end, we were able to locate, working together, locate 15 of those children.

Senator **Specter**. How many? You located 15?

Mrs. **Yerkovich**. Yes. I felt that if we could locate 12 out of those, in anticipation of that airing, I had felt if we could locate 12 children that I would have been most proud. We located 15.

Senator **Specter**. Give me an illustration of a child whom you have helped to find outside of those whose pictures were shown after "Adam."

Mrs. **Yerkovich**. Outside of those?

Senator **Specter**. Well, I understand the procedures you used on those 15, but give me an illustration of someone else whom you have helped to find.

Mrs. **Yerkovich**. OK. Child Find publishes the only comprehensive directory of missing children, and we had something happen, which is happening more and more, about 2 weeks ago. I happened to observe this one myself in the location department at Child Find.

We got a call on our 800 line from a teacher out in the Midwest who had been flipping through the directory, her copy of the directory, which she may have purchased with her own money, and she recognized a child, a fourth grade child, and she went immediately to her school principal, and she said, "I have this child in my class," and apparently he gave her the full go-ahead to call Child Find. Perhaps she asked. I do not know.

But she did call our office, and she reported the facts regarding this child. We knew that we had a positive location. So we did not have to go through the channels that we use to make a confirmation of location, which we will do before we call a parent.

We called the parent immediately. We were not able to get through to her work number because she did not work there any more, but we were able to find her at home, and we told her where her child was. We had made a positive location.

That one was very quick and easy. There are others that are far more complicated.

Senator **Specter**. Has the mother recovered the child?

Mrs. **Yerkovich**. Yes, yes.

In others, sometimes very often we will use the assistance of private investigative resources, and we also have a network now probably approaching 1,500 that we can actually put our fingers on in our cross-references of law enforcement personnel throughout the country, private investigators and others who work with us in a networking kind of fashion.

Senator SPECTER. How are you funded?

Mrs. YERKOVICH. Scantily at this time. The funding aspect——

Senator SPECTER. A national toll free line is an expensive operation.

Mrs. YERKOVICH. It is very expensive. That runs us somewhere now exceeding $5,000 a month, even though we make many of our calls to the media and to our parents collect.

We are funded by modest grants.

Senator SPECTER. You make calls to the media collect?

Mrs. YERKOVICH. They are very cooperative. They invite us to. Yes, we do.

We are funded by modest grants. We charge a modest registration fee of $50 for the registration of a child from our parents. I would like to add if a parent cannot pay that fee that we do waive it.

We have been granted the funds from TRW for a computer system. All of this has been done manually up till now. We will have a computer system in about 2 weeks, which will take us approximately 6 months to get used to, I am sure.

In anticipation of this, we have reorganized the way we take our information over the telephone. Thousands of parents call us and only about 10 to 15 actually follow through with registration because it is a complicated procedure.

Senator SPECTER. You mentioned the directory. How much does that cost?

Mrs. YERKOVICH. That costs us approximately $7,000 to print 5,000, and then we urge that that be reproduced.

Senator SPECTER. How much does it cost for a person to buy a copy of the directory?

Mrs. YERKOVICH. It is $10. We ask people to pay that. If we are sending it to, say, a teacher or someone who has ongoing exposure to children, we will send it to them for free. We also urge them every time we send it to reproduce it and pass it around.

Interestingly, the State of Connecticut and the State of New Jersey, the State Education Department of Connecticut this summer took that directory and at their own expense reproduced it and distributed it to all of their districts. We provided, Child Find provided, a seminar which spoke and addressed the district representatives. So we know that we have the State of Connecticut covered, and we hope to cover the other States in the same fashion.

Senator SPECTER. Well, Mrs. Yerkovich, you certainly have an outstanding organization. You have done a great deal, and I certainly do commend you for it.

Mrs. YERKOVICH. Thank you

Senator SPECTER. It is very outstanding.

I see you went to the University of Pennsylvania. May I ask you the final question, what was your contact there?

Mrs. YERKOVICH. It was so long ago. I only took a few courses there. It was so long ago I really do not remember.

Senator SPECTER. Well, that is very unusual for anyone to have contact with the University of Pennsylvania and not remember it well.

Mrs. **Yerkovich**. Sorry.

Senator **Specter**. Thank you very much for coming.

I might say to you, Tanya, if you want to see the Senate in action, there is going to be a pretty good session this afternoon on search and seizure. We are taking up the exclusionary rule.

We are in recess from 12 until 2, which is the custom in the Senate to provide time, for caucuses of both of the parties. But at 2 o'clock we will be taking up the exclusionary rule. If you would care to see that, we can get you into the choice section of the Senate gallery. If there is anything else you would like to see, we would be glad to arrange a tour or visit for you while you are here.

Mrs. **Yerkovich**. Thank you.

Senator **Specter**. We very much appreciate your coming. For the record, the statements of Senator Thurmond, Senator Warner, and Senator Denton will be entered without objection following my opening remarks.

Thank you all.

[Whereupon, at 11:54 a.m., the subcommittee was adjourned, subject to the call of the Chair.]

MISSING CHILDREN'S ASSISTANCE ACT

TUESDAY, FEBRUARY 21, 1984

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON JUVENILE JUSTICE,
Washington, DC.

The subcommittee met at 10:10 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Arlen Specter (chairman of the subcommittee), presiding.

Present: Senators Boren, Nickles, Hawkins, Denton.

Staff Present: Mary Louise Westmoreland, chief counsel; Ellen Greenberg, professional staff member.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator **SPECTER**. Good morning, ladies and gentlemen.

This hearing of the Juvenile Justice Subcommittee of the Committee on the Judiciary is our second hearing on the Missing Children's Act, Senate bill 2014. This is a followup to hearings which were commenced on February 7, and it involves a very important legislative initiative sponsored by Senator Hawkins, Senator Warner, and 21 other cosponsors in the Senate on a subject which is of great importance, and that is to determine procedures to find missing children.

There is no more heart-rending event anywhere than to have a child missing. There needs to be a concerted national effort to aid parents and law enforcement officials who are faced with this very difficult and terrible situation.

We have already found that with appropriate focus of attention it is possible to find missing children. On the television show "Adam" some 55 pictures of missing children were shown, as depicted on the easel, 13 children were recovered, and 1 of the children recovered also led to the finding of a brother and sister. As a result of "Adam" 15 missing children have been located.

Senate bill 2014 will promote the efforts to locate missing children by providing a coordination center and providing a national hot line. It will also further the efforts of legislation which was enacted in 1982, signed into law by President Reagan, on this very important subject.

Our first witness today is Ms. Pearla Kinsay Paterson, who will tell us about a tragic situation involving her daughter, Charlotte Kinsey, who at the age of 13 was missing under very unusual and tragic circumstances, but Ms. Peterson will tell that story herself.

Here to introduce Ms. Peterson are the two distinguished Senators from the State of Oklahoma, the Honorable David Boren and the Honorable Don Nickles.

I will call on Senator Boren, the senior Senator from Oklahoma, to begin.

STATEMENT OF HON. DAVID L. BOREN, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator BOREN. Mr. Chairman, we are very, very pleased to have an opportunity to introduce to you today Pearla Kinsey Peterson, who knows first hand the problems and the heartbreak and the pain encountered by parents who have missing children.

The case of her daughter, Charlotte, is one of the best known situations in our State. Her daughter was working at the State Fair of Oklahoma when she disappeared a little over 2 years ago.

With Pearla today are her mother and her sister, who have also, of course, been aiding efforts led by the family to seek Charlotte's recovery.

This is a tragedy that we hope can be alleviated in this individual case, and we hope that the story which she has to tell will help the committee in its deliberations.

Mr. Chairman, I would be remiss if I did not commend you for the efforts and the lead which you have taken in this area. I think the establishment of a toll free hot line and the establishment of a central coordinating center to pool information and the provision of technical assistance back to State and local officials that the Missing Children's Assistance Act would provide will be of great help in this regard, and I am very pleased to support you in the effort and to cosponsor the legislation.

I only hope that you are successful in shepherding it all the way through the process.

We are very, very proud that Ms. Peterson would take the time to come and share her own experiences today with the committee and add her personal influence and testimony to this cause that you have undertaken.

So I am very proud to join with Senator Nickles today and would ask my colleague, Senator Nickles, if he has additional comments to make, but we are both very, very pleased to welcome Ms. Peterson to Washington and to have us hear her testimony before this committee.

Senator SPECTER. Thank you very much, Senator Boren.

I am pleased now to turn to the distinguished Senator from Oklahoma, Senator Don Nickles.

STATEMENT OF HON. DON NICKLES, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator NICKLES. Thank you, Mr. Chairman.

I, too, congratulate you for having this hearing and also for the exposure which it will receive. I think you are to be commended for recognizing that there is a serious national problem.

I would also compliment you on the two groups of pictures, one where the children are still missing and the other of those that have been found. Of the children that have been found, one is from

Oklahoma, Jamie Lynn Humphries of Muskogee. Her picture was shown after the show "Adam" and led to her return to her mother. Her family had been looking for her for a couple of years.

Having a missing child, in my opinion, would be one of the most difficult circumstances that a parent could ever endure, and certainly the cases which you have over there really are success stories. I hope and believe that by enactment of your legislation we will have more success stories.

Unfortunately, the first witness that we will have, Pearla Kinsey Peterson, will provide the saddest part of the story. There are some sad stories that are involved.

I hope that with her testimony and the media's attention, we can have some more success stories.

About 2½ years ago Pearla Kinsey Peterson's daughter, Charlotte, and her girlfriend, Cinda Pallet, were abducted from the Oklahoma State Fair. Quite innocently the girls had agreed to help a man unload some stuffed animals thinking they might be able to earn a couple of dollars. They have not been seen since that fair day.

From that point on, Charlotte's mother, her aunt and many others have worked tirelessly to try to find Charlotte and Cinda. To date, they have not been successful.

I do not think it would be inaccurate to say that the search has been the focal point of their lives.

Mr. Chairman, I do commend you for calling Mrs. Peterson to give her testimony before this committee as it considers Senate bill 2014. As a cosponsor of the legislation, I believe that the toll-free telephone line for reporting information on the location of missing children and other functions in this legislation are necessary since the problem many times does cross State lines.

Since her abduction, Charlotte has been reported to have been sighted several times in Illinois, Texas, and New Jersey. If this legislation were in place, it would represent a significant step in aiding interstate tracking of missing children.

So I do commend you. I commend Ms. Pearla Kinsey Peterson for her willingness to testify in very difficult circumstances, and I just hope and pray that as a result of this that we will have some more success stories as we have seen after the show, "Adam," and other exposures that have brought this very, very serious problem to light.

Senator SPECTER. Thank you very much, Senator Nickles. Thank you, Senator Boren.

I realize the very busy schedules which you gentlemen have today. You are welcome to stay. You are welcome to join me on the panel if you choose, and if you find it necessary to absent yourselves at this time, we certainly would understand.

Ms. Peterson, we thank you very much for joining us today, and we would like to begin by asking you to tell us a little bit about yourself. Where do you live? Are you married? How many children do you have?

STATEMENT OF PEARLA KINSEY PETERSON, OKLAHOMA CITY, OK

Ms. **Peterson**. Mr. Chairman, I am now a housewife. I live in Oklahoma City, and I have three daughters total.

Of course, as Senators Nickles and Boren stated, we have spent the last 2½ years basically, you know, in our search for Charlotte and Cinda.

Senator **Specter**. Would you state the names and ages of your daughters, please?

Ms. **Peterson**. Charlotte Kinsey and Cinda Pallet were both age 13 at the time of their abduction.

Senator **Specter**. Would you tell us just what did happen to Charlotte?

Ms. **Peterson**. Charlotte and Cinda left at approximately noon on Saturday to attend the Oklahoma State Fair. Charlotte had said she probably would not stay too late, probably around 5:30, but at 5:37 I received a phone call from her.

Senator **Specter**. Approximately on what date did they leave home to attend the Oklahoma State Fair?

Ms. **Peterson**. This would be actually the 25th that they left to attend the fair.

Senator **Specter**. The 25th of?

Ms. **Peterson**. September 1981.

Senator **Specter**. The 25th of September 1981.

Ms. **Peterson**. Right, and like I said, it was approximately 5:37 p.m. Charlotte called home. She was extremely excited. She had been looking for employment for a couple of months, but was too backward to even approach someone for an application, but when she called, you could hear the excitement in her voice, and thrilled to death, and asked if she could work for this man unloading stuffed animals at the fair.

I asked her if she would be working alone or what the circumstances were, and she said there would be several kids working, as well as Cinda, and that they should be through around 8:30, and they were going to call Cinda's parents to come to pick them up around 9 o'clock.

Senator **Specter**. This was about 5:30 in the afternoon?

Ms. **Peterson**. Right, on the same date.

After hearing all of the circumstances, it sounded legitimate. There were going to be several kids around, and I assumed there would be safety in numbers. They were going to be at the fair grounds, as far as I knew.

So she asked if she could spend the night at Cinda's house, since her parents were going to be the ones that picked them up, and I went ahead and agreed with that on the condition that she called me at 9:30 p.m.

When 9:30 arrived and I had not heard from her, I began to get restless. Ten o'clock arrived and I had not heard from her, and I was beginning to worry at this point, and I began to call the phone number that she had listed for Cinda, and I did not get an answer.

So, I continued to call every 5 to 10 minutes, and at no time did I get an answer from them. Finally at 1 a.m., Mrs. Pallet called me and asked me if I had heard from the girls, that she had not, and I told her no, that I had not, that I had assumed that they had picked them up.

She said that she had called her husband at work, and he was going to come home and go to the fair grounds to look for them, and I told her that I, too, was going to go, and Charlotte's best friend was at the house, and she wanted to go, too, because she was concerned about Charlotte.

So, the two of us went to the fair grounds. We got there at approximately 1:30 a.m. We walked all the way around the grounds, every aisle, every row, probably at least four times, and finally we were exhausted and scared because it was vacated other than just carnival people.

Senator **Specter**. Were Cinda's parents making a similar search at this time?

Ms. **Peterson**. Well, I was told that they were going to, but I never saw them there. So I do not know.

It was approximately 2:30. I noticed a police car on the grounds. So I approached the policeman, and I told him my problem. I told him we had walked the grounds four to five times, and we were tired and we were scared, and what we did, you know.

His response to me was, "Lady, the only thing I know for you to do is to walk them one more time."

Senator **Specter**. He said for you to walk one more time?

Ms. **Peterson**. Yes.

Senator **Specter**. And did you do that?

Ms. **Peterson**. We did this, and still did not see anything. So the friend and I left. At the time——

Senator **Specter**. This was about 2:30, quarter of three?

Ms. **Peterson**. Right, a.m. This is on the 26th of September.

We drove up to the driveway and I noticed Ms. Pallet's car, and it was then that we decided to call the police department. We knew something was wrong. In fact, I knew something was wrong at 10:30 when I had not heard from Charlotte. I just knew something was wrong because she was a very responsible child and did call often.

So she went to her home and notified the police, and I notified the police from mine. There were two officers that arrived at approximately 3:15 to supposedly take a report.

Senator **Specter**. And these were from the Oklahoma City Police Department?

Ms. **Peterson**. Oklahoma City Police Department, yes, sir.

After taking notes, and we were actually pleading for help at that time, their response was to chuckle.

Senator **Specter**. To chuckle?

Ms. **Peterson**. Ha, ha, ha, you know, they kind of chuckled at it and said, "I would not worry about it, lady. This happens every year when the fair is in town." He said, "They have probably taken up with the fair, and they will probably show up within the next few days."

And I stressed again that Charlotte was not the type to run away. She did not take up with the fair, that something was wrong, and he said, "I am sorry. We cannot do anything for 24 hours. Wait 24 hours, call"——

Senator Specter. Did the policeman say why he had to wait for 24 hours before taking any action?

Ms. Peterson. He just said it was standard procedure, that they wait 24 hours.

So other than waiting 24 hours, at approximately 8 a.m., we called the youth bureau at Oklahoma City Police Department.

Senator Specter. You called the youth bureau at the Oklahoma City Police Department?

Ms. Peterson. Yes, sir. We were told by them that they could actually not do anything, that there was no evidence of foul play, and that it would be against, quote, the little darlings' rights, unquote, for them to do anything.

Senator Specter. They said it would be against the rights of your daughter to take any action?

Ms. Peterson. Right, right.

After this point we were getting desperate. My husband and I got in our car, drove to her friends, checked with everybody, called everybody she knew. No one had heard anything.

So we contacted the FBI.

Senator Specter. What response did you get from the FBI?

Ms. Peterson. When I told them—I had also called OSBI and was told they could not do anything——

Senator Specter. The OSBI, the Oklahoma State Bureau of Investigation?

Ms. Peterson. Right. I had called them, and they, too, told me there was no evidence of foul play, and they had actually not been requested by the Oklahoma City Police Department to enter the case. So they could not do anything.

So that is when I called the FBI, and this would have been the third time I was told, "I am sorry. We cannot do anything. There is no evidence of foul play."

At this time I was angry.

Senator Specter. At about what time did you make your first contact with the FBI?

Ms. Peterson. This was at approximately 11 a.m., and upon his response of, "I am sorry. There is no evidence of foul play," I then asked him. I said, "What does it take to institute foul play? Do you need a pool of blood for this or what?"

And he hesitated a minute, and he said, "Well, to be honest, I hate to admit it, but that is about it." He said, "Either that or someone seeing them held at gunpoint and forced into that car," and he said that they could not enter the case anyway unless they were requested by the Oklahoma City Police Department to do so.

At this point we returned to the fairgrounds, and this is where we stayed basically 24 hours a day until Thursday at noon. This would have been October 1.

In the meantime, periodically we kept calling the police department and we kept calling the FBI, the Oklahoma State Bureau of Investigation, same response. Finally at approximately 1 a.m. on Tuesday morning, Oklahoma City Police Department finally took an actual missing person's report on the children.

Senator Specter. What date was it then, Ms. Peterson?

Ms. Peterson. This would have been the 28th they finally took an actual report.

Senator SPECTER. On September 28 at 1 a.m. they issued a missing person's bulletin?

Ms. PETERSON. Well, they finally asked me questions. They really did not issue the report as yet. They were asking us questions and getting, you know, like the girls' histories and had they ever run away, you know, and things like this, but it was approximately 6 or 7, maybe even 8 a.m. that morning before an actual investigation began, and then it was limited mainly to the fairgrounds area because they were certain they had taken up with the fair.

So other sightings were basically put on hold, you know, or checked out later because they did feel they were on the fairgrounds.

On Wednesday, September 30, one of the boys who was a friend of all of my children called. He was more like an adopted big brother to Charlotte. She went to him with her problems and everything. He called my middle daughter at the fair through the command post that they had finally set up, and he told her that he had received a phone call from Charlotte, that he was certain it was Charlotte. She was hysterical, crying hysterically.

Senator SPECTER. What did Charlotte say on the telephone call, if you know?

Ms. PETERSON. She said, "Curtis, I can't get Lisa. Help."

And he said, "Charlotte, where are"—and she was disconnected. The police department——

Senator SPECTER. And he said your daughter was hysterical?

Ms. PETERSON. Crying hysterically.

Senator SPECTER. That was on September 30, some 5 days after Charlotte was missing?

Ms. PETERSON. Right. This was at noon on September 30. The police department were told of this phone call. Later on, probably 3 weeks later or so, we questioned them about that phone call, and he said that they had talked to the boy, and he did not sound sure enough that it was Charlotte. After I——

Senator SPECTER. Did you talk to the boy?

Ms. PETERSON. After we talked to the boy, he said the police department had never spoken to him, that he had had to go out of town, that they had spoken with his mother only.

Senator SPECTER. When you talked to the young man, did he sound sure to you that he was talking to your daughter?

Ms. PETERSON. Positive, absolutely.

Then they waited until after this phone call to even consider putting a tracer on the phone. Had they done that initially, the phone call could have been traced, and we would have known where Charlotte was calling from.

Senator SPECTER. Was there any subsequent call by Charlotte to this young man?

Ms. PETERSON. No. That was the last anybody heard from her other than we do still periodically get hang-up phone calls long distance and are told by the phone company that they cannot trace them for us because they are out of town.

Senator SPECTER. You have received long distance phone calls?

Ms. PETERSON. Hang-up phone calls, right.

Senator SPECTER. You say hang-up calls?

Ms. **Peterson.** Yes, sir. They will maybe call and maybe not say anything or maybe try to say something and it will be where you cannot hear or understand and then hang up.

Senator **Specter.** How many calls like that have you received where you describe them as a hang-up telephone call?

Ms. **Peterson.** Several, several, at least——

Senator **Specter.** More than five?

Ms. **Peterson.** Definitely more than five.

Senator **Specter.** More than 10?

Ms. **Peterson.** Probably, probably close to at least 15 or 20 that we have gotten.

Senator **Specter.** When did you receive the last such telephone call?

Ms. **Peterson.** Thanksgiving, and we have received two where we pick up the phone, the person at the end of the phone is crying severely, you know. You cannot even make sense out of it.

Senator **Specter.** When did you last receive a telephone call where the person at the other end was crying?

Ms. **Peterson.** Approximately 2, 3 weeks ago, but there again, we are always told that they cannot be checked out. In fact, we were told by the phone company that they would probably take the tracer off completely, which is not going to help, you know, because we do get the phone calls periodically.

But all of this time I have found out since the initial investigation that there should not have been a 24-hour waiting period. The investigation should have begun from the beginning. There should have been an all points bulletin and everything put out on the girls. They insisted for months that they had run away when the evidence was obvious that they had been kidnaped. They have said approximately six to eight witnesses to verify it. They have the man's description, the automobile he left in, everything that they should need in order to be able to trace some sort.

Senator **Specter.** Ms. Peterson, what efforts were made to identify the man who was apparently an employee at the carnival or the circus?

Ms. **Peterson.** There are approximately six witnesses that can identify him, that have described him, and told the police.

Senator **Specter.** Is his identity known? Is his name known?

Ms. **Peterson.** His name is not positively known. He had a leather belt on with the name of Joseph inscribed in the back. So we do not know if that was his actual real name or where the belt, you know, could have possibly come from.

Senator **Specter.** At the Oklahoma State Fair, was this a carnival type affair, a carnival type operation that this man ran?

Ms. **Peterson.** He or the police department has since wondered if he even actually was an employee for the fair. They cannot determine positively, as I understand it, whether he was or was not.

Senator **Specter.** Do you know what his activity was supposed to have been at the Oklahoma State Fair? Did he run some sort of a booth or a stall?

Ms. **Peterson.** Yes, sir. As I understand it, he was to or presented himself to have had a booth.

Senator **Specter.** Do you know what kind of a booth?

Ms. **Peterson.** No, sir, I do not. I have no idea.

Senator SPECTER. When did the FBI enter the case?

Ms. PETERSON. For months I have been calling the FBI and was told that they could not enter the case on a full-scale basis because they had not been requested by the Oklahoma City Police Department to do so.

Senator SPECTER. Did you ever ask the Oklahoma City Police Department to make that request to the FBI?

Ms. PETERSON. I did that approximately 1 to 2 weeks after their abduction because I did not know or I was not aware of the fact that I myself was supposed to call the FBI, although I had the first day.

Senator SPECTER. What did the Oklahoma City police say when you asked them to request the FBI to enter the case?

Ms. PETERSON. That there was not much that they could do, that they were asking them to assist occasionally if they needed flyers, information to deliver.

Senator SPECTER. Did they refuse to ask the FBI to enter the case?

Ms. PETERSON. Yes, sir, they did.

Senator SPECTER. Has the FBI ever entered the case?

Ms. PETERSON. As I understand it, the last I heard, which is approximately 6 months ago, they are finally on the case.

Senator SPECTER. Have you talked to anybody from the FBI about their activity on the case?

Ms. PETERSON. Yes, sir, Joe Fitzpatrick is, as I understand it, the man that is assigned to the case, and he does now check out leads and work on the case.

Senator SPECTER. And you have discussed the matter with Agent Fitzpatrick?

Ms. PETERSON. Yes, I have.

Senator SPECTER. Are you satisfied with what action is now being taken by the FBI?

Ms. PETERSON. To a point. I understand that they are limited somewhat, but there are—for instance, we were told by another agent there that sometimes it would take them as much as 6 days or as long as 6 days to check out a sighting on Charlotte simply because of the paperwork involved; that it would sometimes take that long to get it processed.

Senator SPECTER. Well, Ms. Peterson, what advice do you have for other parents who might be confronted with a situation similar to the one that you have found yourself in?

Ms. PETERSON. The first thing I would do if I were them would naturally be to notify all law enforcement agencies, but if they are to tell you no or "I am sorry. I cannot do anything," try anybody. Try Senators, Representatives, attorney generals. Do not stop at that.

Like I said, in my case I was told falsely that there was a 24-hour waiting period which cost us, because he could have been in China with the girls in 24 hours, I mean to the end of the world, and 24 hours are the most crucial moments. For instance, in my case, the girls, they had the tag number of the car. If they had initially started the investigation immediately, it is possible they could have found them before they ever left the State, because as I said, Charlotte called on Wednesday. So chances are she was in the city at that time.

Senator **Specter**. Ms. Peterson, I believe you know that Senate bill 2014 would establish a national clearing house so that when a child is missing the parents or local law enforcement can contact that clearing house and get expert advice on what to do next.

Do you think that the existence of such a clearing house would have been of assistance to you in locating Charlotte had that been available back on September 25, 1981?

Ms. **Peterson**. Definitely. For instance, in my case at the time that Charlotte and Cinda were abducted, we did not know what to do. We did not know who to contact other than our local police department. Had there been such a number that we could have called, it could have saved us possibly that 24 hours. They could have told us, notify your FBI, you know. You cannot necessarily rely on the police department, and it could have told us that the police department should ask the FBI to help. I think it would help tremendously, and I just wish it had been in effect at the time Charlotte and Cinda were abducted.

Senator **Specter**. One of the problems is that many law enforcement agencies in small towns simply do not know how to respond. They have this problem very infrequently. I would think that an agency as big as the Oklahoma City Police Department or the Oklahoma Bureau of Investigation would have some greater familiarity, but what we are seeking to do is to provide procedures to inform parents and law enforcement where they do not have this kind of experience to find a channel to try to get some methodical approach to locating the children.

Senator Boren, I would be very pleased to have your participation.

Senator **Boren**. Thank you, Mr. Chairman.

As I understand it, was it 5 days, as I was listening, before the missing person's report was finally issued by the police?

Ms. **Peterson**. It was—I have to count—it would have been approximately 4 days.

Senator **Boren**. Four days before that report was issued.

What happens now when, for example, you get a report or someone calls you? Let's say you had these sightings reported in Texas and one in Illinois and other places. Who do you then contact? Do you first go to the FBI after you get a report like that?

Ms. **Peterson**. Now I do that. Yes, I do. About 3 weeks after Charlotte was abducted, we had a fairly positive sighting in Mesquite, TX.

Senator **Boren**. Yes.

Ms. **Peterson**. We called the Oklahoma City Police Department about this. The officer I spoke with or detective said, quote, What do you expect me to do about it? He said, "Well, I guess I can call the policemen that are guarding the fairgrounds down there, but that is about all I can do. We cannot hit the road and try to find her," and that was the response that I received.

Since the FBI was not on the case, they could not help me.

Senator **Boren**. Did you yourself try to make a contact with the police department in Texas?

Ms. PETERSON. Definitely. We called them ourselves and tried to get their assistance.

Senator BOREN. But you had to do all of that communication at least at that point yourself in trying to make those contacts with the law enforcement people in other States.

Ms. PETERSON. That is right.

Senator BOREN. Did any of them respond when you called them?

Ms. PETERSON. Usually we do not receive a response. Occasionally we will. Unless we call them back to check on it, we do not hear.

Senator BOREN. They do not even call you back?

Ms. PETERSON. No, sir. The only FBI agent that I have ever heard from or spoken to is Joe Fitzpatrick, and that was because we called him. We never heard from them.

Senator BOREN. Well, if you could call him, for example, saying, "There has been a sighting in Illinois," or wherever it is, do you hear back from him then?

Ms. PETERSON. No.

Senator BOREN. Does he seem to follow up on it, or do you think he is making immediate contact?

Ms. PETERSON. I think it really depends on what he considers to be more urgent or more possible. Now, I know that he does check some of them out, but I cannot say, you know, that he checks them all out because some of them are hard to check out, because of the length of time involved and what have you, but usually we do not hear the results as to what they have found out or determined.

Senator BOREN. Since this happened to you, you have probably talked to other parents who have had similar things happen, similar tragedies. Have their experiences been similar in terms of difficulty in having a coordinated effort or getting word back or getting reports from law enforcement agencies?

Ms. PETERSON. Definitely. We have started, as you know, National Child Search, and we deal with a lot of missing children and parents. We are still having trouble with the law enforcement agencies checking out sightings, trying to help. They are still being told, "I am sorry. There is nothing I can do," or, "I am sorry. There is a 24-hour waiting period."

As in Charlotte and Cinda's case, there seems to be competition instead of working together to try to find them. It is as if Oklahoma City Police Department does not want to tell OSBI what they have, or vice versa, the FBI, you know, staying away, because it is as if each one wants to be the ones to locate them and, therefore, does not want to share the evidence.

Senator BOREN. What kind of help is the voluntary National Child Search organization able to give? Is this purely a voluntary effort? Does it have a staff now associated with it?

Ms. PETERSON. It is voluntary, and we answer the phones 24 hours a day. We assist the parents, as we wish we had been and which, hopefully, this still will produce. We try to tell the parents what they need to do, how their laws are, exactly where they stand on their laws, who to contact, the forms necessary in order to get their children back, and we offer moral support, and since November we have retrieved 11 children due to media coverage on it.

Senator Boren. And you have involved the media actively in your efforts. Have you had a pretty good response from the media in terms of broadcasting pictures and descriptions?

Ms. Peterson. Definitely. They have been a tremendous help, and as I said, due to the fact that they have publicized the pictures, since November there have been approximately 11 children located.

Senator Boren. But I gather you would certainly support efforts like the legislation we have before us as being much more effective, I would presume, if you had a central clearinghouse, staffed by professional law enforcement people or people who had those contacts in the law enforcement carrying the weight of authority in making the contacts; that it would be much more helpful to you than the current situation.

Also, just the peace of mind of being able to get a report back and get a continuous flow of information.

Ms. Peterson. Definitely, because it would be 100-percent better than being up in the air and wondering exactly what was being done, or if they were doing anything at all. My only suggestion would be that at some point each State assign two to three officers as an individual task force to look for missing children because, for instance, in our case again, the officers were untrained, uninformed. I think that was part of our problem. They did not know what steps to take or what to do, whereas had they been trained, had they worked for missing children, they would be familiar with most experiences involved in that problem, and to be honest, I really think, for instance, in our case, they would have probably located the girls because they would have known exactly what to do and what steps to take.

Senator Boren. Ms. Peterson, again, I want to thank you for coming and sharing this. It is most difficult. You have certainly done an excellent job of sharing your own experience, and directly relating it to this legislation. It has certainly been helpful.

Again, Mr. Chairman, I want to thank you for providing the forum so that Ms. Peterson and others who have had this problem could bring it to the attention of the whole Congress.

Senator Specter. Thank you.

Ms. Peterson. I would like to thank you all.

Senator Specter. Thank you very much, Senator Boren.

Senator Nickles.

Senator Nickles. Thank you, Mr. Chairman. I am moved by the largeness of this problem. Do you have any idea how many missing children there are in the country today where parents are like you are, who are actively seeking?

Ms. Peterson. Actively searching for their children? I would be——

Senator Nickles. In the hundreds?

Ms. Peterson. A lot more than that probably, because there are in stranger abduction cases, there are 50,000 annually that are stranger abducted, and I am not sure how many years this has been going on, but should you multiply that even times three, there are 150,000 parents, at least, plus their spouses, and I am sure there are at least 80 percent of them that are actively looking for their children.

Senator **Nickles**. It is really an enormous problem.

I mentioned the Humphries child, who was a success case, and now can be moved over from the missing side into the found side as a result of "Adam." You mentioned what, 11 since November?

Ms. **Peterson**. Right. This is strictly on a local level. This is our local in Oklahoma City, OK.

Senator **Nickles**. Just in Oklahoma City there were 11?

Ms. **Peterson**. There were 11 since November.

Senator **Nickles**. Missing children that have been found?

Ms. **Peterson**. Yes, sir.

Senator **Nickles**. Is that right?

Ms. **Peterson**. Right.

Senator **Nickles**. So the numbers times that nationwide have to be considerably larger.

Ms. **Peterson**. Right.

Senator **Nickles**. You mentioned in response to Senator Boren's question that the media's response has been good.

Ms. **Peterson**. Helpful.

Senator **Nickles**. As a matter of fact, in many cases it seems that some of the positive things that have been done have been from the private side, where media has been willing to show pictures after movies, or maybe after news. "Here is a missing child," I have seen that in some of the stations in Oklahoma City.

You mentioned sightings in other cities. When that happens, are you able to telecopy a picture or something to that station where they show it on the TV for 2 or 3 days after the reported sighting?

Ms. **Peterson**. We are working on that, and hopefully should have it in several States, hopefully pretty soon, you know, not too long because, for instance, you never know. Nine times out of 10, if the child disappears from Oklahoma, they are not going to stay here too long. They end up going to Texas, California, you know, places where they hear are good places to go to.

But I think that is exactly what we need. It would be 100-percent better if we could get national coverage on all children, even if they could just show a 30-second photograph, because I think people are becoming more aware, and they are even paying a lot more attention, and are studying the photographs that they are seeing, whereas before, they really did not think about it. But now they are becoming really aware of the problem and becoming more cautious and are trying to help us locate the children.

Senator **Nickles**. You mentioned support for the legislation that Senator Specter has introduced and that we have cosponsored. Are there any suggestions that you have that we might be able to do on a Federal level that could further your cause?

Ms. **Peterson**. Like I said, the main issues that would probably help would be like, for instance, national television coverage, hopefully to encourage the States to set up task forces even of two men. I do believe there should be stricter punishments for kidnapers, particularly stranger abductors. As it is now, they are out in 2 to 6 years, turn around and kidnap again, and get away. It does not make sense to me that actually the laws were not changed a long time ago.

For instance, in Oklahoma, we have found out that our children have so many rights that it really is unbelievable. We were told, for instance, that if a 10-year-old child were to lock themselves up in their bedroom, neither the parents nor the police department could legally enter that room. That child has the right to lock their bedroom, and you are to stay out.

Senator NICKLES. I do not want my children to find that out.

Ms. PETERSON. Right.

Senator SPECTER. I do not think that is an accurate statement of the law, Ms. Peterson.

Ms. PETERSON. That is what I was told by an officer.

Senator SPECTER. Well, I think you obviously were told that.

Ms. PETERSON. Yes.

Senator SPECTER. Legal opinions differ, but I do not believe that a 10-year-old child has a legal right to lock himself or herself in their room without having the parent having a right to enter that room.

Ms. PETERSON. Well, I found it hard to believe, but we were talking at the fairgrounds with officers and were discussing the fact that some of the laws were unbelievable, like there is no curfew in Oklahoma, and the children do have so many rights, like an 11-year-old child having the right to runaway. I mean, you know, it was at this point that he told us this particular thing.

Senator SPECTER. Well, I think those are subjects which could certainly use clarification, but I also do not believe that an 11-year-old child has the right to runaway. I make this comment to you because your words will be traveling far and wide.

Ms. PETERSON. Yes.

Senator SPECTER. I would not like 10-year-olds to think that they have a right to lock themselves in their rooms, contrary to the wishes of their parents, or for 11-year-olds to think that they have a right to runaway because they do not.

Ms. PETERSON. I would not want them to know it either.

Senator SPECTER. Children of tender years in that category are subject to the control and direction of their parents. That is the law.

Ms. PETERSON. That should be that way, and you know, it really is a shame. I do feel like the laws should be studied, you know, even by the parents so that they know because if they are wrong or if the child is protected, overly protected to the point that the parents do not have any authority or control, then they should be changed also.

What I am saying is our laws are more than likely outdated with the times because times have changed drastically. Situations have changed drastically, and I think the public should take more of an interest in our laws.

Senator NICKLES. Mr. Chairman, I wish to thank you, and also I wish to thank Ms. Peterson for her comments today. It is a sobering hearing, and I only hope for enactment of the legislation and that Charlotte and Cinda will become success stories.

Ms. PETERSON. Thank you.

Senator SPECTER. Ms. Peterson, we very much appreciate your being here. Just one additional word on the subject.

There are limits as to what police officers can do by way of entry into private premises, but with respect to children of tender years in the age categories that you describe, 10 or 11, parents do have substantial legal authority over the children.

Ms. Peterson, I know that you have brought a photograph of Charlotte with you, and I would appreciate it if you would hold it up so that the television cameras which are here could focus in on it. Why don't you hold up the color picture—and if you would take the picture of Cinda down so that the cameras could focus on that, as well, because it just may be that somebody might see Charlotte's smiling face there and provide some information which could lead to her being located.

The picture of Cinda is right next to Charlotte.

Cinda and Charlotte were missing at the same time so that it is possible—if you would hand that to Ms. Peterson, and Ms. Peterson, if you would hold that up beside Charlotte—so that anybody who locates or thinks that they have information as to the whereabouts of either of those young ladies, perhaps we can make them, as Senator Nickles said, success stories.

Ms. PETERSON. That would be nice.

Senator SPECTER. Thank you very much for coming, Ms. Peterson. We know it is not easy for you to be here and to submit to this kind of a presentation, but we think it may be very helpful, indeed.

Thank you.

Ms. PETERSON. Thank you.

Senator SPECTER. I would like to now call on the honorable Bill Bradley, senior Senator from New Jersey, who is an original cosponsor of Senate bill 2014 and a member, an active member, of the children's caucus, for his testimony on this subject.

Senator Bradley, we welcome you here.

STATEMENT OF HON. BILL BRADLEY, A U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator BRADLEY. Thank you, Mr. Chairman.

I am pleased to have the opportunity to testify before your subcommittee today on an issue that demands not only our fullest attention, but also willingness to translate this attention into concrete and positive action.

As a cosponsor of the Missing Children's Act of 1982, as a cosponsor of the Missing Children's Assistance Act of 1983, as a citizen deeply concerned about the welfare of today's children, and as a father, I feel very strongly that we simply cannot afford to neglect the problems of missing children. We must do all in our power to prevent these tragedies from occurring.

But once they have occurred, the Federal Government must move quickly to help families find missing children.

The need for this legislation is clear. There are too many stories of parents whose children have simply disappeared. Kathleen Mansell drove her daughter, Marianne Basten, to school in Florida one morning. No one remembers seeing Marianne after she left her mother's car. The day after her disappearance, her purse was found in a trash can about 25 miles from school. She had joined the swelling ranks of children labeled "missing."

Sheila and Catherine Lyon, age 13 and 11, journeyed to a suburban shopping center on March 25, 1975, and were never seen again.

In 1980, 2-year-old Branby Barlow vanished from his frontyard.

The list goes on and on and on. One of the most highly publicized cases has been that of 6-year-old Etan Patz. On May 25, 1979, Etan walked alone for the very first time to his Manhattan school bus stop, and has not been seen since.

Mr. Chairman, there have been several cases in my own home State of New Jersey, In 1982, in Blairstown, NJ, a police lieutenant found a body of an unidentified young woman. She became known throughout the United States as "Princess Doe." Since that time the police have searched through 12,000 leads and have been unable to identify the deceased young woman.

We need to strengthen programs to help the police in Blairstown and across the country do a better job. Millions of Americans are now awakened to the difficulty American parents face in trying to locate their missing children.

The horrifying case of Adam Walsh, which recently was portrayed in a national television program, has given us the opportunity to press forward for a more comprehensive solution to the problem. On July 17, 1981, Adam Walsh was abducted from a shopping mall in Hollywood, FL. After 2 weeks of what has been described as the largest manhunt in Florida's history, Adam's remains were found 150 miles north of his home. Adam's father, John Walsh, refused to let Adam's death become just another statistic.

After contacting local and State police authorities, John learned the difficulties in mounting a large-scale search for a missing child. When he contacted the FBI, he discovered to his dismay that the FBI would not become officially involved in a case unless they have proof of a kidnaping in the form of a ransom demand or evidence that the child has been taken out of the State.

After appearances on national television and meeting with representatives from Child Find, an agency which coordinates efforts to locate missing children, John Walsh testified before this subcommittee.

"We must speak for the children," he said that day. "They have no voice because they're afraid or because they tried to speak and are dead."

In his testimony Mr. Walsh urged the establishment of a national centralized reporting and search system. This testimony and his subsequent appearance on the Phil Donohue television show generated over 40,000 letters and calls to Congress. As a result of his efforts, and those of many others, the law was changed as a national priority given to finding our missing children.

On October 12, 1982, President Reagan signed the Missing Children Act into law, authorizing the FBI to enter descriptions of missing children and the national crime information computer; to set up an unidentified bodies file; and to allow parents access to the system.

John Walsh's fight still continues today through the Adam Walsh Resource Center. It is a fight to change laws and policies and to teach children and parents of the need to protect themselves.

Mr. Chairman, given the magnitude of the problem, the Missing Children Act was a good first step, but the legislation simply does not go far enough. This is a national problem that will only be solved through a broader, national commitment, and that is why I have joined you and Senator Hawkins as a cosponsor of the Missing Children's Assistance Act of 1983, which recognizes the need for a coordinated national effort.

The bill you have before you sets up a national toll-free telephone line to link parents with their missing children. The legislation also establishes a national resource center and clearinghouse to provide technical assistance to State and local government agencies and individuals in helping to locate and recover missing children.

The resource center would also disseminate national information on innovative missing children's programs, services and legislation to help communities improve their own efforts.

Finally, the bill reauthorizes the Juvenile Justice Delinquency Prevention Programs for another 4 years.

In closing, Mr. Chairman, I know that laws will help save other children's lives in the future. The efforts of the Walshes and the hundreds of other concerned families have served to burn this issue into our national conscience.

The country cannot and will not forget these victims. I certainly cannot. Because of the tragedy of one child, Adam Walsh, we have already taken a significant step to aid missing children. It is my deep hope that his tragedy will move this committee and this Congress to take additional steps to help save the lives of possibly thousands of other children.

Thank you very much.

Senator **Specter**. Thank you very much, Senator Bradley, for that testimony and for your leadership on these important subjects.

One or two questions, Senator. Do you know why they called the young lady "Princess Doe" whose identity they could not determine in New Jersey? It sounds like a very unusual name.

Senator **Bradley**. Well, I think that that comes from "John Doe."

Senator **Specter**. Princess Doe?

Senator **Bradley**. The person is an unknown.

Senator **Specter**. But the designation "Princess" seems rather strange.

Senator **Bradley**. Well, I think that it is a kind of reverse recognition of the tragedy that our system was unable to provide any lead.

Senator **Specter**. You say they sifted through some 12,000 leads without finding the identity of the youngster?

Senator **Bradley**. That is correct, and one of the main things that was absent was any kind of national system that they could plug into, in an attempt to get some help, and I think that the legislation that was passed last year and the legislation that is proposed this year to provide that kind of national coordination will be particularly important.

I must also tell you, Mr. Chairman, as you know, on your list of witnesses today is Sergeant Dick Ruffino from New Jersey who has been really in the forefront of this issue. I think that he can provide you with some very important facts and suggestions, and I might say also that this is not simply a matter of dealing with missing children after they have disappeared but it is also a matter of preventing them from becoming missing in the first place.

To this end, I was pleased to receive a circular from my local PTA in New Jersey, the school at which my young daughter attends, saying that Sergeant Ruffino would speak to the PTA in the near term to alert the parents of children of the simple steps that could be taken to protect themselves from the threat that exists out there today, and I hope that you will be able to get into some of those steps when you talk to Sergeant Ruffino.

Senator **Specter**. One final question, Senator Bradley. On the effort to determine the identity of the young woman called "Princess Doe," do you think that having the fingerprinting of children would be helpful in trying to identify such people, and do you have any sense or would you care to express it as to whether there ought to be some national effort on a purely voluntary basis to have such fingerprinting?

Senator **Bradley**. Well, I think if it is on a voluntary basis it could be helpful. In the circular that was sent to me, the local school system made such a suggestion, and I am contemplating it as the parent.

Senator **Specter**. We heard some testimony at the hearing on February 7 about having such fingerprinting on a voluntary basis where only one card be maintained, which would be given to the parents in order to protect privacy, but if you have a situation such as Princess Doe where apparently the parents do not participate in or know about it, it would hardly be sufficient if you just had one card maintained with the parents. It is a difficult question on the civil liberties issue with an effort not to have any incursion, and at the same time trying to provide sufficient identity to help out on the identification of such cases.

Senator **Bradley**. It is a difficult question, and I think that it will be important to see the degree to which the existing law and the proposed law will be able to meet some of the objectives that we seek, which is to try to find a system of locating them.

In some cases that simply means one place where, if a child is missing, he or she can be reported, and I can only tell you that I find that this issue has universal appeal in the sense of people wanting something done.

For example, I have with me today a petition from just 1 county in our State that has nearly 1,000 signatures from parents who want very much to have a central resource clearing center. I would hope that the law that has been proposed will be acted upon promptly, and that we will pass it before this summer so that I cannot only report favorably to these nearly 1,000 citizens in New Jersey, but so that all of us can—as parents and citizens—say to the families who have children that are missing that we are attempting to help them find their lost loved ones. I think that that is a response that is not only appropriate in a policy sense, but in a human sense as well.

I thank the chairman for his leadership on this issue and for the opportunity to testify.

Senator **Specter**. Thank you very much, Senator Bradley.

I would like now to turn to Assistant Director Oliver B. Revell, Criminal Investigative Division, Federal Bureau of Investigation.

Let me ask at the same time if Investigator Dick Ruffino would come forward, Missing Person's Bureau and Bureau of Human Identification, Bergen County Sheriff's Department, Hackensack, NJ.

Mr. Revell, we appreciate your being with us. We welcome you here. Your full statement has been received, and it will be made a part of the record. In accordance with subcommittee practices, we would appreciate it if you would summarize, leaving the maximum amount of time for questions and answers.

STATEMENT OF OLIVER B. REVELL III, ASSISTANT DIRECTOR, CRIMINAL INVESTIGATIVE DIVISION, FEDERAL BUREAU OF INVESTIGATION

Mr. Revell. As you know, Senator, I appeared before your committee last year, and we determined that there were, indeed, some areas that we needed to tighten down the compliance of our field offices with existing Bureau policy, and I submitted a teletype to the Director, who approved it, and it went to all agents in charge, and a copy of that teletype was, in fact, sent to you and was incorporated into the record of the committee at that time.

Senator Specter. Director Revell, that was a very useful revision in FBI policy, and I commend you for your initiative on it, and the FBI and the Department of Justice for carrying that forward, and when you have finished your prepared remarks, I would like to explore that just a bit further as to what the future plans of the FBI are with respect to continued implementation of those standards.

Mr. Revell. The committee staff has asked us to address certain topics. The first is the FBI policy for investigating kidnapings and how the FBI coordinates these investigations with State and local authorities.

The initiation of kidnaping cases or cases in which there is some plausible indication of abduction is exactly as set forth in that particular teletype that was sent to the field. We do not have a requirement for ransom. We do not have a requirement for there to be evidence of interstate travel.

What we do require is there to be an indication that an abduction has occurred rather than there be simply a missing child.

Senator Specter. Those are revised standards though, are they not?

Mr. Revell. No, they are not revised. They are reemphasized because the practice did not quite follow the policy, and that was the reason we reemphasized it in that teletype, that that had to be the case.

We have always had the position that the age of the child, the circumstances under which it is missing, any direct indication of abduction should result initially in a preliminary inquiry, and then if there is, indeed, evidence that there has been an abduction, a full field investigation.

Senator Specter. Well, Mr. Revell, were those standards put into effect on a 1-year basis in December of 1982?

Mr. Revell. No, those were the parental kidnaping changes that the Department of Justice instituted. Prior to that time, it required there to be an indication that the child was in jeopardy, and it required the Criminal Division of the Department of Justice to approve the FBI entering the case.

As a result of many cases where this appeared not to be good policy and the position of various committees of the Congress and our own experience, we recommended to the Department, and they approved, the U.S. attorneys in the field being allowed to authorize FBI entry, and that it did not require there be evidence that the child was endangered.

Those changes in the policy are still in effect, and as far as I know will continue. We have not in any way asked that they be reinstated.

Senator SPECTER. So the initial thought about having them in effect for 1 year is now not the policy. Are they permanent as of this moment?

Mr. REVELL. As the Department's witness, Mr. Lippy, Larry Lippy, who is Chief of their General Litigation Section, indicated, they would be reviewed in 1 year. That 1 year has now passed, and we have heard nothing in the Bureau about any change, and I am certain that the Department would not change the policy without consulting with us, and we do not see any reason to change that policy.

Senator SPECTER. If there is any indication as to any change in policy, would you please communicate with this subcommittee?

Mr. REVELL. Yes, we would.

Senator SPECTER. Thank you.

You may proceed, Mr. Revell.

Mr. REVELL. So as far as the first issue, policy for kidnaping, I think we have stated that.

The coordination with State and local authorities is a very important part of the process, Senator. As you well know, the State and local officials have the primary responsibility in this area, and even if there is an abduction, eventually before it can go into Federal court, we must prove the elements of a Federal crime. So, from the outset there has to be a coordinated and cooperative investigation done by both local, State, and Federal authorities, the Federal authorities, of course, being us.

So there is never an instance where we should have a degree of competition or be working at cross purposes. I cannot state that that never occurs, but I can certainly state that that is not our intention that there be any degree of competitiveness or lack of coordination or cooperation. In fact, it is exactly the opposite.

Senator SPECTER. Mr. Revell, you heard Ms. Peterson's testimony this morning. Would you care to comment about the handling of the case involving Charlotte Kinsey?

Mr. REVELL. I really do not know anything about that case, Senator. We did not have enough time before the hearing to do an indepth review. I did ask that over the weekend the Oklahoma City office submit a summary of the case, and I might just read to you what they said. I have not had an opportunity to review the Oklahoma City file, and normally when I testify on a case, I review the field office file personally. So all I can give you is the summary that the Oklahoma City office sent in.

By teletype this weekend, the Oklahoma City office advised that they received a telephone call from Ms. Peterson, Pearla Peterson on September 27, 1981, advising that the victims, in this case Charlotte June Kinsey and Cindy Leanne Pallet, disappeared or did not return home from the State fair on September 26, 1981.

Our office made contact with the Oklahoma County Sheriff's Office and the Oklahoma City Police Department. It determined that four officers of the juvenile bureau, Oklahoma City Police Department were assigned to the matter. The Oklahoma City Police Department advised they would notify the FBI of any aspects if a kidnaping were developed.

On September 30, a suspect, one Donald Michael Corey, was developed by the Oklahoma City Police Department. Agents accompanied the police officers to obtain the unlawful flight process and a Federal warrant was issued, and the FBI immediately sent out communications throughout the areas that Corey was known to have previously frequented. Corey was apprehended on the basis of this warrant on October 9, 1981, within 2 weeks of the disappearance.

However, followup investigation eliminated him as the perpetrator of this particular crime.

Thereafter, the Oklahoma City FBI office distributed composites of the person who was thought to be the subject, a composite of an unknown subject, to the 10 surrounding States, and we also distributed the composite to appropriate State and local law enforcement and corrections institutions for possible identification of the suspect, all with negative results.

Photographs of the victims and background information were provided to all offices, and leads from other law enforcement agencies. Child Find organizations, Reader's Digest, and other sources have been actively and exhaustively investigated from the first indication of kidnaping to this date, with the case being in a continuingly active status.

Prior investigation has been and is being conducted nationwide from New York to Florida, California to Washington. In-State leads are promptly covered by the FBI and results furnished to the Oklahoma City Police Department. Rapport with the victims' parents has received priority attention. Mr. and Mrs. Pallet are the usual avenues of communication. I do not know why that is, but that is the comment there.

Results of leads of which parents have knowledge are carefully conveyed to them. Ms. Peterson telephonically inquired on February 17, 1984, as to the results of a specific lead. A Karen Terriman had responded to a television message on the missing girls.

Senator SPECTER. Mr. Revell, let me request you to do this, rather than proceeding even beyond the 1984 events. The subcommittee would appreciate it if you would review the activities in the case and let us know your findings as to the propriety of the handling of that.

Mr. REVELL. I will be glad to.

Senator SPECTER. And what we are really interested to know is whether it was handled properly, and not with the view to recrimination, because that is gone, but with the view to saying if any corrective procedures could be put into effect which would improve procedures for the future.

Mr. **Revell**. Well, certainly if any comment was made, and I have no reason to doubt that it was not, that it would be helpful to have blood at the crime scene, that would be totally inappropriate on the part of whatever person received that call, and I certainly——

Senator **Specter**. You do not have to have blood [illegible] the crime scene or somebody abducted at gunpoint in order to make it an appropriate matter for law enforcement, either at the local or Federal level.

Mr. **Revell**. Absolutely not, and I think that type of—I do not know if it was said in a sarcastic vein, but whatever vein it was said in was an inappropriate comment. Certainly the problem is one of was there an abduction, and that I think can be debated both pro and con.

Certainly at this point and from the period of the time an unlawful flight warrant was sought, the case has been actively investigated as a kidnaping matter, and is certainly being pursued as that today.

The second issue that the committee staff brought up was the number of missing children and abducted children included in the National Crime Information Center from 1981, 1982 and 1983. The missing persons' file was set up in NCIC in 1975. However, of course, the changes were only made in 1982.

In 1981, these are total records. These are not just juvenile. These are total missing persons entered into the NCIC system. I will break it down by other categories in just a minute.

In 1981, there were 150,000 entered, and 147,000 removed. In 1982, there were 154,000 entered, and 151,000 removed, and I am rounding these off, Senator.

Senator **Specter**. What accounts for the removal of such large numbers, Mr. Revell?

Mr. **Revell**. The answering agencies, the State and local agencies, make the removal, and that would generally be when the person has been located, either has returned voluntarily or has been found through other means.

In 1983, the number is 189,000 entered and 182,000 removed.

The increased number of entries in 1983 is apparently the result of publicity surrounding the passage of the Missing Person's Act, which became law on October 12, 1982.

Based on a statistical analysis of the four entry categories, approximately 85 percent of the missing persons' files entries during each calendar year pertain to missing juveniles. So that is the approximate number of the figures given that would be juveniles.

Therefore, in 1983, the approximate number of juveniles entered into the NCIC missing persons' file was 161,110. The majority of the records are entered and removed from the missing persons' file within the first 60 days by the reporting agency.

The Missing Children Act passed on September 30, 1982 authorized the FBI to confirm the existence of a missing person record in the missing person's file, and if the local law enforcement agency declines to enter the missing person's record, the FBI is authorized to make the entry. However, before this is done, the appropriate FBI field office will confirm the matter with the local agency.

Since the passage of the act, the FBI has entered 123 people into the missing persons' file. The total of each of the four categories is as follows: 19 disabled, 8 endangered, 38 involuntary, and 58 juvenile. This is a snapshot of the statistical entries.

As of February 1, 1984, there were 47 FBI entries on file in the missing persons' file, as follows: 8 disabled, 1 endangered, 13 involuntary, and 25 juveniles. Now, that means that by and large, the entries are being made by State and local authorities, and the parents or other guardians are not having to come to the FBI for the entry. So while this does offer a fall-back position to the parents or the guardians, it is not one that they have had to use on many occasions because the vast majority, the great preponderance, are being entered by State and local authorities.

Senator SPECTER. Do you have any statistical breakdown as to how many are being entered, for example, by the parents as opposed to State and local authorities?

Mr. REVELL. Well, the only ones entered by parents would be the ones coming to the FBI because the other ones are entered by States and locals.

Senator SPECTER. How many are those?

Mr. REVELL. The total was 123 since the passage of the act. As of February 1, 1984, on date, because they are entered and removed, we had 47 entries on file.

Senator SPECTER. Do you know the total number which have been entered even though some of those may have been removed?

Mr. REVELL. The total number entered since the passage of the Act has been 123 people.

Senator SPECTER. Well, that is a surprisingly small number actually.

Mr. REVELL. Yes, it is, and there has been, as you well know, a tremendous amount of publicity on the missing persons' file, the ability of the FBI to make the entry, and due to the fact that we are dealing in the neighborhood of 189,000 entries a year, I would say that State and local authorities are doing a fairly good job.

Senator SPECTER. Do you think that if this legislation is enacted, Senate bill 2014, with the national hotline and with a national clearinghouse that there would likely be an increase in the number of entries?

Mr. REVELL. Senator, I do not know that there would be because I believe now that there has been a sensitivity created, not only at the Federal level, but at the State and local level, as to the importance of making these entries into the NCIC system. Certainly if a person is not aware and there was such a toll free number available and they could receive counseling and guidance, then that might result in——

Senator SPECTER. Well, it would figure that if there is a toll-free number available, there will be more calls.

Mr. REVELL. I would imagine, but I do not believe that there is any evidence that there is any difficulty now in getting a missing person into the file. However, if there is ignorance and this number is there, then certainly that toll-free hotline could be used for a person to ascertain how they go about this process.

Senator SPECTER. Well, the clearinghouse also may be useful. Some law-enforcement agencies are small, inexperienced. With the clearinghouse to tell them how to function, with the number that is easy to function, for many switchboards it is a complicated matter to place a toll call.

Mr. REVELL. That is true.

Senator SPECTER. A toll-free call is easy to make.

Mr. REVELL. But I have no way of estimating how many additional people that might involve.

Senator SPECTER. I do not think you can really estimate it. I think it is a judgment call.

Overall, if I may ask you, Mr. Revell, do you think it is a good idea to have a toll-free number and a national clearing house as embodied in 2014?

Mr. REVELL. You are into an area of policy that the Department has under consideration, and I am not authorized to comment on that until the Department takes a position.

From an investigative standpoint, I certainly do not believe it could hurt anything and it might help.

Senator SPECTER. OK. Very good. I appreciate your testimony.

[The prepared statement of Mr. Revell follows:]

PREPARED STATEMENT OF OLIVER B. REVELL

Mr. Chairman and Members of the Subcommittee:

I am happy to appear before your Senate Subcommittee today to discuss the FBI's policy for investigating kidnapings and parental abductions. In response to the request of the Subcommittee staff, I have broken down my statement into the following three topic areas:

Topic: FBI policy for investigating kidnapings and how the FBI coordinates these investigations with local and state authorities.

In almost all instances one of our local FBI offices is apprised of a kidnaping by the local law enforcement agency where the abduction occurred. In some cases the facts are all too clear as in this example: A 13-year-old Omaha, Nebraska, newsboy is reported missing after his customers called his parents complaining they had not received their newspaper. Upon searching his newspaper route police discovered his abandoned bicycle and a number of undelivered newspapers. The local police department determined that the young boy had been abducted and immediately notified our Omaha FBI office. Within hours of the notification, the FBI had established a major case command post at the police department to coordinate the investigative efforts of 12 Federal, state and local law enforcement agencies. In a case such as this it is our duty to utilize the full investigative resources of the Bureau to seek the safe return of the victim and to identify and apprehend the kidnaper(s).

In other cases when the facts are not so clear, such as when a child is missing and the circumstances are ambiguous as to whether or not there has been an abduction, Attorney General Guidelines permit the Bureau to conduct a "preliminary inquiry" to determine if a Federal crime has occurred, is occurring, or will occur. These preliminary inquiries are undertaken to obtain information as to whether or not a full investigation is warranted. Once the facts reasonably indicate there was a kidnaping, the FBI will institute a full investigation. It should be pointed out that there is no necessity that a ransom demand be made before the FBI can or will initiate an investigation.

If a preliminary inquiry fails to disclose facts indicating a missing child has been abducted, the FBI would not have the authority to conduct a full investigation.

Of course, that does not mean the FBI would just simply ignore the matter. The local or state law enforcement agency involved can request the assistance of the FBI's Laboratory and Identification Divisions. The child's name and description could be placed in the National Crime Information Center Missing Person File. Local authorities can also request the Bureau to cover out-of-state leads, such as acquiring, locating and transmitting various records and verifying the location of an individual whom the local authorities desire to interview. In these situations our Agents continue to maintain liaison with the local police department until such time as the matter is resolved. However, if new facts should be developed which would indicate that a violation of the Federal Kidnaping Statute has occurred, the Bureau would be ready to immediately institute an investigation utilizing our full resources at the highest priority level.

The following are a few examples of child kidnapings investigated by the FBI:

In October 1982, a 10-year-old girl was at a New Orleans playground with a friend, when a man claiming to be a police officer drove up in a car. The two children walked near the car after the bogus officer threatened to give them a ticket for a minor infraction of the law. He reached out and grabbed one of the little girls and drove her to Mississippi where he sexually assaulted her. The subject was arrested 5 days later by the FBI after an intensive and exhaustive kidnaping investigation. A ransom demand was not made in this case, nor was one necessary before we began our investigation.

In May 1983, a two-month-old baby girl was taken from her mother at the waiting room of a hospital in Fort Worth, Texas. The abductor, who was dressed in a nurse's uniform, indicated she wanted to take the child to show other nurses. The FBI immediately began a joint kidnaping investigation with the Fort Worth, Texas, Police Department. In November 1983, the subject was arrested at the El Paso, Texas, border crossing. The child was recovered in Mexico and returned unharmed to her mother. Prosecution in this matter was declined by the United States Attorney's Office, Fort Worth, Texas, in favor of local prosecution by the Fort Worth Police Department.

It is important to note that in both of these cases, it was not necessary for a ransom demand to have been made before we began our investigation.

Here is an interesting case which involved an unusual ransom demand. For almost three weeks in November and December 1983, Federal and local authorities in California and New York searched for an 11-year-old boy who was abducted from outside his California residence while he was putting out the trash. After three days the victim's father received several phone calls from an individual claiming to have his son; he demanded seven kilos of cocaine or his son would be cut into many pieces and returned to him. After a number of telephone calls, arrangements were made for the father to fly to New York City to obtain the release of his son in exchange for seven kilos of cocaine, supplied by the Drug Enforcement Administration.

The kidnapers made telephonic contact with the father at a New York City hotel, at which time it was agreed to have the kidnaped boy call his father to assure he was alive prior to making the ransom payment.

A surveillance team of approximately 100 New York FBI Agents, in the area where a previous phone call was made, observed a vehicle containing two adults and one child followed by a van occupied by several more adults. The vehicle travelled to a pay telephone booth in upper Manhattan where the child was taken from the vehicle to make telephonic contact with his father. FBI Agents quickly moved in and recovered the victim unharmed and arrested six adults who were occupants of the two vehicles.

The critical element in these types of cases is whether or not an abduction has occurred. When it is obvious there was an abduction, the FBI moves aggressively to

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conduct all necessary investigation to locate the victim and apprehend those responsible. The FBI's resolve to investigate kidnaping matters falling within our jurisdiction has not and will not waver.

Topic: The number of missing and abducted children included in the National Crime Information Center for 1981, 1982, 1983.

The National Crime Information Center's (NCIC) Missing Person File is maintained by the FBI for the utilization of all participating local law enforcement agencies throughout the United States. Whenever a child is reported missing by his/her guardian to a local police agency, that agency will make an entry into the Missing Person File (MPF). This data remains in the system until the entering agency deletes the entry which usually occurs when the missing person is located.

Statistics in the Missing Person File are divided into four categories: disability, endangered, involuntary and juvenile. These categories and the criteria for entry in each are as follows:

Disability - A person of any age who is missing and under proven physical and/or mental disability or is senile, thereby subjecting himself or others to personal and immediate danger.

Endangered - A person of any age who is missing and is in the company of another person under circumstances indicating that his physical safety is in danger.

Involuntary - A person of any age who is missing under circumstances indicating that the disappearance was not voluntary, i.e., abduction or kidnaping.

Juvenile - A person who is missing and declared unemancipated as defined by the laws of his state of residence and who does not meet the criteria of the other three categories.

A count of records on file in the MPF as of February 1, 1984, reflects the following totals: disability 3,349; endangered 1,999; involuntary 2,598; and juvenile 20,583.

The total number of records entered and removed for 1981, 1982 and 1983 is set forth below:

	Entered	Removed
1981	150,632	147,156
1982	154,341	151,767
1983	189,532	182,374

The increased number of entries in 1983 is apparently the result of the publicity surrounding the passage of the Missing Person Act which became law on October 12, 1982. Based on a statistical analysis of the four entry categories, approximately 85 percent of the MPF entries during each calendar year pertain to missing juveniles. Therefore, in 1983 the approximate number of juveniles entered into the NCIC MPF was 161,110.

The majority of the records are entered and removed from the MPF within the first 60 days by the reporting agency.

The Missing Children Act passed on September 30, 1982, authorizes the FBI to confirm the existence of a missing person record in the MPF; and if the local law enforcement agency declines to enter the missing person's record, the FBI is authorized to make the entry. However, before this is done, the appropriate FBI field office will confirm this matter with the local agency. Since the passage of the Act, the FBI has entered 123 persons into the MPF. The total for each of the four categories is as follows: 19 - disability, 8 - endangered, 38 - involuntary, and 58 - juvenile. As of 2/1/84, there were 47 FBI entries on file in the MPF: 8 - disability, 1 - endangered, 13 - involuntary, and 25 - juvenile.

Topic: The number of kidnaping and parental abduction cases the FBI investigated in 1981, 1982 and 1983.

The following data represents the total number of kidnaping cases that were opened by the FBI for the years 1981, 1982 and 1983 (through November 30, 1983):

1981	853
1982	641
1983 (11 months)	873

Listed below are the number of cases which were determined to be a violation of the Federal Kidnaping Statute and for which investigation was conducted:

1981	120
1982	141
1983	164

The data on the number of investigated kidnapings where it was clearly established that a child was abducted is as follows:

1981	35
1982	49
1983	67

A review of kidnaping data for three years indicates that a small percentage of the investigations conducted by the FBI involved a ransom demand:

1981	9%
1982	8%
1983	11%

The Federal Kidnaping Statute specifically precludes the FBI from investigating the abduction of a minor child by either parent. If a child is taken by one of his/her parents, the FBI may institute a parental kidnaping investigation under the provisions of the Fugitive Felony Act.

The following three criteria must be present before Unlawful Flight to Avoid Prosecution (UFAP) process can be obtained and a warrant issued: (1) a state felony warrant is outstanding and the appropriate law enforcement agency requests assistance; (2) there is sufficient evidence to show that the subject has fled the state to avoid prosecution; and (3) the agency requesting fugitive assistance is willing to extradite and prosecute the parent for the state crime when the individual is located. Once UFAP process is obtained by the FBI, these investigations, which are part of our Fugitive Program, are afforded the highest priority and as such, receive continuous preferred treatment.

Listed below are the parental kidnaping statistics for 1981, 1982 and 1983 (9 months).

	1981	1982	1983 (9 months)	TOTAL
Complaints Received	743	608	791	2,142
Referred to local authorities	614	515	561	1,690
Declined by USA/DOJ	81	47	48	176
Authorized by USA/DOJ	48	46	182	276
Arrests by FBI	10	18	64	92
Arrests by other Federal agencies	1	-	-	1
Arrests by local authorities	11	14	21	46
Children Kidnaped per year	961	878	658	2,497
*Children Kidnaped prior to 12/28/80	-	-	-	373
Total Children Kidnaped	-	-	-	2,870
Children Returned	25	31	91	147
FBI field division represented	58	54	56	-
States and U.S. Territories represented	52	47	48	-
*Kidnaping incidents occurring prior to 12/28/80	-	-	-	254

*Parental Kidnaping Prevention Act enacted 12/28/80.

In December, 1982, the Department of Justice (DOJ) modified its policy for obtaining UFAP authorization. As you know, they no longer require that the missing child be in danger or that the FBI obtain DOJ approval in order to conduct an investigation.

The FBI, like you and members of this Subcommittee, is very concerned and sensitive to all aspects of this missing children's issue. Our efforts to address this problem continue to be extensive, and as you know, this commitment has produced positive results. We are actively involved in investigating kidnaping and parental abduction cases throughout the country. Even in those matters which do not fall within our jurisdiction, the FBI has offered local law enforcement our technical and laboratory assistance as well as the coverage of certain out-of-state leads.

Our Training Division also is involved in undertaking studies and research on various aspects of the missing children problem, including the profiling of serial murderers and child pornography. The results of these studies are published and forwarded to local law enforcement and are presented to officers attending the National Academy at our training facility at Quantico, Virginia.

Even though our results have been good, the Bureau will not rest on its past successes. We will continue to exercise our responsibilities in this area as aggressively as possible.

Senator SPECTER. Supervisor Ruffino, we very much appreciate your being with us. We welcome you here. We would be very interested in any suggestions which you might provide to this subcommittee on ways to locate missing children.

Senator Bradley has already introduced you with eloquence, and we look forward to your testimony and suggestions.

STATEMENT OF INVESTIGATOR DICK RUFFINO, SUPERVISOR, MISSING PERSON BUREAU AND BUREAU OF HUMAN IDENTIFICATION, BERGEN COUNTY SHERIFF'S DEPARTMENT

Investigator RUFFINO. Thank you, Mr. Chairman.

It is certainly an honor for me to be here today to testify on behalf of the Missing Children's Assistance Act of 1983.

On behalf of the Honorable Sheriff William McDowell of Bergen County and the countless thousands of families of those people who are less fortunate than we are, since we know where our children are today, it is my pleasure to be here and speak on behalf of this bill.

Senator SPECTER. Do you think it is a good bill?

Investigator RUFFINO. I think it is a top-of-the-line bill. I think it is long overdue, something that should have been done long before, right after the Missing Children Act.

Senator SPECTER. What from your experience as an investigator leads you to that conclusion, Mr. Ruffino?

Investigator RUFFINO. When the Missing Children's Act was passed, Mr. Chairman, it merely mandated that the FBI will collect and disseminate information on missing people, that is, juveniles, unemancipated in the State in which they reside, and certain adults are covered in that act, those that are missing under probable suspicious circumstances, whose disappearance is deemed involuntary, and also who suffers from a physical or mental disability.

There is no waiting time to enter anybody into the FBI's NCIC computer. Back in December 1982, I was honored by being appointed to the FBI NCIC task force to help set up the national system, along with 12 other dedicated people to this issue.

Along with the Missing Children's Act, we have the section called the unidentified section, which will collect and disseminate information on unidentified deceased and also living people who do not know their names or where they came from. The country is burying roughly between 3,000 and 5,000 of those a year.

So the Missing Children Act of 1982, when President Reagan signed it into law, merely addressed the issue. The Missing Children's Assistance Act of 1983 is the real root of the success of what we are going to try and accomplish here.

I might add, Senator, that, you know, being a police officer and being fortunate enough to work for two people, Sheriff McDowell and Sheriff Jab (phonetic), who believe in this issue, permitted me to cross State lines, and I have been out of my jurisdiction for days and weeks at a time assisting other police agencies, assisting searching parents. I know——

Senator Specter. Tell us just a little bit about your experience, Mr. Ruffino, in investigating cases involving missing children.

Investigator Ruffino. We at Bergen County investigate all missing persons cases, whether it be juveniles or adults. Right at the present time, we are running at an approximately 97 percent success rate on the cases that we have assisted in.

Senator Specter. How long have you been engaged in such work?

Investigator Ruffino. I have been engaged since 1976.

Senator Specter. How long have you been a police officer?

Investigator Ruffino. I have been a police officer since 1970.

Senator Specter. You heard the testimony of Ms. Peterson regarding the responses on the disappearance of her daughter, Charlotte Kinsey. Would you care to give an opinion as to the propriety of those official responses?

Investigator Ruffino. I think that they were irresponsible. The FBI NCIC computer has no waiting time. The information could have been disseminated right away at the time of the disappearance. There is no such thing as a 24 or 48 hour waiting period law. It is only departmental policy. It should be abolished because we know at the local level that most autopsy reports indicate that anybody who has met foul play will meet foul play within that period. So why give up that precious time when we could enter them into a system that we have all worked so hard to build that is underutilized at this present time?

Senator Specter. Had the complaint been made to you by Ms. Peterson, what action would you have taken?

Investigator Ruffino. If I took the complaint, I would have immediately entered her daughter into the FBI's NCIC computer. I would have sent out a State alarm to back up that computer.

Senator Specter. Could that have been possible in 1981?

Investigator Ruffino. Yes; it could have because the FBI NCIC was adopted on October 1, 1975. So that unit did exist at that time.

I would have called up, the child being 13 years old, I would have—of course, I have my own department and I know how my department works—I would have mustered the proper amount of manpower and started doing my own search.

Senator Specter. And what would you have done?

Investigator Ruffino. I would be still working actively on that case if I felt that there was any signs that there was an abduction. I would have notified the FBI. I might add that in Bergen County, we have met with the FBI——

Senator SPECTER. What would you have looked for as the threshold standard for notifying the FBI?

Investigator RUFFINO. I would look for—that is a very hard question to answer because I do not know the full investigation. I could tell you that——

Senator SPECTER. Well, that is a question which local law enforcement has to face. It might be useful for you to articulate, given your extensive experience in the field, what you think ought to be present before you would notify the FBI or what need not be present before you notify the FBI.

Investigator RUFFINO. The point I am trying to make, Mr. Chairman, is that I have already met with the FBI in the area in our county, and we have a policy already set forth as to when we can call them and when they are going to call us. We are not going to wait for something to happen. This policy has already been set.

If I have any feelings in my mind, gut feeling or no matter what it is, I can call the agent in charge of that office, and he will lend support, and I have used them, and they were there in a matter of an hour. I know it can be done.

Senator SPECTER. Let the record show that we have been joined by the distinguished Senator from Alabama, Senator Denton, and we would be pleased to have your participation with questions at this time, Senator.

Senator DENTON. Thank you, Mr. Chairman.

I would defer and listen further to your questions for a few minutes, if I may.

Senator SPECTER. What additional suggestions would you have, Mr. Ruffino, as to ways that the Federal Government could be helpful in structuring a national response to be of assistance to law enforcement in locating missing children.

Investigator RUFFINO. I receive thousands of letters and telephone calls each year in our small department back north or up north. I know that the Missing Children's Assistance Act, with the services that will be available to parents and police, that if I am getting them, they will be going to them.

The resource center would be of great value for those searching people who are looking for their sometimes never ending question of "what happened to my child," and I might add, Senator, that on behalf of myself and behalf of our sheriff's department and behalf, certainly, of the thousands of people who do not know where their children are, I turn to you, the leaders of this country, and ask that without too much delay we institute this piece of legislation because without it, the Missing Children's Act would be like treating major surgery with Band-Aids.

Senator SPECTER. Thank you very much.

Is there anything you would care to add, Mr. Revell?

Mr. REVELL. Senator, I think you will recall that the last time I testified to the figure of 50,000 missing children and so forth. We do not have a very definitive data on that, and perhaps the Senator might be able to come up with better data, but what we do have is the NCIC missing persons' file, and I gave you the total number of entries and deletions and so forth, but it might be interesting to look at what do we have in the file as active records on a given day, because that might give us some indication of the magnitude of the problem.

So I had a survey done on that on February 1, 1984, some 3 weeks ago, we had an active file in the missing persons, 3,349 disabled individuals, 1,999 endangered individuals, 2,598 involuntary, and these are the ones that there is indication by the police agencies of either abduction or some foul play involved, and 20,583 juveniles.

Now, some of the disabled——

Senator SPECTER. What is the figure on juveniles, again?

Mr. REVELL. 20,583.

Now, some of the other categories, the disability, the endangered or the involuntary may also be juveniles, but the basis for the entry of the 20,583 is that they are below the age of majority and are missing.

So it indicates that there is in excess of some 28,000 listed in the NCIC file as of that date as missing, and the vast majority of them are children.

One of the things that we have been looking at to possibly improve our ability to enter these cases on a more expeditious basis is to use the system to give us notice. At the present time, we only get notice if the police or the parents come to us. Even though the NCIC is an FBI system, it only responds to the agency that is putting information in the system or that is retrieving information, and it is possible that we can get data from the entries and thereafter notify our field offices to contact the State or local agency making the entry, and if there are indications that would indicate an abduction or a Federal crime has been committed, that we can institute at least a preliminary inquiry at that point.

We have proposed such a policy to the Department, and it is under review, and we are going to actively pursue that. So on this area certainly the involuntary 20,598, we would have a lead-in to get us involved in those cases, whether or not the police came to us or the parents came to us at the very outset.

Senator SPECTER. Anything you care to add, Mr. Ruffino?

Investigator RUFFINO. Mr. Chairman, I would like to point out about the fingerprinting process, things should be said on behalf of that. Back in 1981, while at Louisville, it was proposed to me that fingerprinting and photographing and updating dental charts of the family were very essential in this issue.

I might add that since the fingerprinting, we have fingerprinted well over a million children throughout the country. There are people cashing in on parents' fears, offering fingerprint cards for $4.95 to $15.00. Through the FBI——

Senator SPECTER. How is that business going?

Investigator RUFFINO. I think it would be going very well.

Senator SPECTER. Is it going very well?

Investigator RUFFINO. Yes.

Senator SPECTER. Are there a lot of people taking that?

Investigator RUFFINO. Yes, I believe they are.

I must point out here that the fingerprints must be taken by a professional because they must be rolled. If the child is missing, the fingerprints can be classified and entered into the FBI's NCIC system. If they are not rolled, we will not be able to do that.

The State of New Jersey has instituted a missing persons bureau at the State level. It will be started shortly. It's basically run the same way the national center will be here in Washington, with a backup task force to assist those agencies that do not have the manpower to do it.

Community education is definitely needed in this area, PTA groups, parents. Parents sometimes always feel that this cannot happen to me. Well, it happens hundreds of thousands of times a year, and we have to emphasize the fact to these parents in groups that it can, in fact, happen to them.

I have submitted a prevention plan to the committee for review, and they are certainly free to use it in any way that they wish.

The new system, like I said before, this Missing Children's Assistance Act, could be of great help, and I cannot see any down sides to this, and I cannot see anybody that would be against it. I do not know what the delay is.

Senator SPECTER. Thank you, Mr. Ruffino.

Senator Denton.

OPENING STATEMENT OF HON. JEREMIAH DENTON A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator DENTON. Thank you, Mr. Chairman.

Today we again confront the tragic problem of missing children which is neither a new problem nor one that is easily solved. I am pleased that the Subcommittee on Juvenile Justice is conducting hearings on the Missing Children's Assistance Act of 1983. These hearings will enable all of us to gain a better understanding of this most difficult problem which affects thousands of American families each year. I commend the distinguished chairman, Senator Specter, for his concern about missing children and for his efforts to protect America's young people.

I appreciate the testimony of those who appeared at the hearing on missing children, held 2 weeks ago. Gloria Yerkowvich, whose daughter has been missing since 1974 was one of the witnesses. In response to this personal tragedy, she formed an organization known as Child Find located in New Paltz, NY. I applaud Mrs. Yerkovich for her dedication to solving this tragic problem. I would also like to commend Mitch McConnell another witness at the last hearing. As the chairman of a statewide task force on the problem of missing children, he has been effective with respect to enhancing the protection of young people in the State of Kentucky. I also greatly appreciate the testimony of Jean Humphrey and Emily Hynson who described their personal experiences with the horrible tragedy of child abduction. I know that it was painful for them to relive these events but I believe that their contribution to the understanding of this problem was extremely useful.

Mr. Chairman, I am deeply concerned about the plight of the thousands of young people who disappear from their homes each year. I worry about those who are abducted, those who are thrown out, and those who runaway. I believe the disappearance of these children is one of life's most terrifying events. Usually the term "missing child" implies that a child has been kidnaped, however, it is my belief that this term should include those children who roam the streets; the runaways and castaways. These children often lead similar lifestyles and face similar circumstances to those who have been abducted.

Experts say that the Nation's runaway problem has gotten increasingly worse in recent years that it has become something of a phenomenon. I firmly believe that the breakdown of the American family contributes significantly to the increase in this problem. Running away from home is one of the ways our children tell us that life for them has become unbearable. According to Dotson Rader a writer for "Parade" magazine, and one who has interviewed many runaway children, approximately 35 percent of runaways leave home because of incest, 53 percent because of physical neglect, and the rest are abandoned by their parents. Mr. Rader calls the Nation's runaways "the most abused and neglected segment of our population."

The Department of Health and Human Services' studies show that up to 1 million children in the United States leave home each year and join the rootless, troubled group known as runaway children. The majority of those children find life on the road terrifying and difficult. With no place to sleep, no security, and nothing to eat, these children soon after leaving home often turn to prostitution and theft as a means of survival. What concerns me most, is that these children are unprotected and perceived as fair game by human vermin which prey upon them. As a result many do not live on the streets long. They suffer from malnutrition, drug related disorders, sexual dysfunction, and disease, and those who do survive are often unable to function as normal adults.

I fear for the lives of those children who have been abducted, abandoned or who have runaway from their homes. The 1982 Missing Children Act, sponsored by my distinguished colleague, Senator Hawkins, and which I consponsored indicates the increasingly serious and sad fact that those children are being used by adults for prostitution, pronography, and/or personal sexual use.

I believe it is extremely important to have national debates on this important issue and I feel it is crucial that immediate steps be taken to confront this problem and to protect these children from abuse. Mr. Chairman, I ask that an article by Michael H. Margol entitled "Styles of Service For Runaways", appear in the record following my statement. This article examines various services available and describes the groups delivering those services.

It is inspiring to know that there are many such programs being developed across the country. There are a number of organizations such as Child Find whose sole purpose is to track down missing children and return them safely to their homes. There are also about 350 runaway shelters nationwide that provide food, housing, counseling, job training and other services to youth roaming the streets. One such shelter is 13th Place, located in Gadsden, AL. I would like to commend Danny Brown, the executive director of 135th place, and his staff, for their dedication to helping runaway children and their families. This shelter does more than simply provide food and housing to runaway youth. The staff also attempts to deal with crisis situations and endeavors to bring the children into a stable environment. 13th Place in Gadsden, AL, and Covenant house in New York City are just two of the many shelters that help our runaway youth. Although there are other shelters, more are needed. What we need to do is to encourage communities to take more responsibility for this problem. Government dollars alone will not resolve it. There is an immense amount of potential within the private sector. We need to fully exploit this segment and utilize the resources of this particular segment of our society. Crimes against our Nation's young people can be reduced by effectively addressing the problems of youth in the community and by increasing community awareness. I believe that in most cases by taking an approach that involves the family we can strengthen the family unit. We can coordinate and utilize local resources with a view toward instructing our youth with respect to succeeding in the community. This, I believe would greatly reduce the chances of a young person becoming a victim of crime. I challenge all the concerned citizens of our country to begin to plan and coordinate programs for the prevention and suppression of crimes against America's most precious resource; our children.

Mr. Chairman, again I commend you for your introduction of the bill and for conducting these hearings. I look forward to reviewing the testimony and learning of effective means by which missing children are safely returned to their homes.

I believe it is crucial that immediate steps be taken to confront this problem and to protect these children from abuse. Mr. Chairman, I ask that an article by Michael H. Markle entitled "Styles of Service for Runaways" appear in the record following my statement. This article examines various services available and describes the groups delivering those services.

I would like to mention a few in my own State for obvious purposes.

Senator **Specter**. Without objection.

[The material referred to appears as follows:]

Styles of Service for Runaways

MICHAEL H. MARGOLIN

The approaches to social service for runaway youths are many and varied, in an attempt to meet the different needs of the varied types of minors requiring such help. This article examines current styles of services and the groups delivering them.

Michael, age 15, walks into Family Service. He has been living on the streets and with friends for weeks. He does and he doesn't want to go home. His mother, divorced, is hostile when the worker calls her. She has put up with this youngster's aggressiveness long enough and wants him home and docile. She calls the police and refuses permission for the worker to counsel her son. This youth is a throwaway, one forced out of the home because of family tension and pressure.

Lisa, 15, floats in and out of the rap line and drop-in center. She is "truant" from a stepfather's home. She lives in crash pads, runs with the rap-line kids, gets temporary jobs and manages a fairly reasonable existence with surrogate parenting by concerned teens. Finally, with the support of a social worker and her probation officer, the judge declares her an emancipated minor.

John, 14, displeases his father. His grades at the private institutional school facility he attends are low. When he is home on leave, he and his father argue and his father drops him on the steps of Juvenile Court. He ends up sleeping in the hall of a drop-in center and the social worker gets involved with him. After hours of discussion and a phone call to an ambivalent uncle, the uncle agrees to take

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John in and negotiate with the father, his brother. John is a Person in Need of Supervision (PINS).

Mike, 15, is a trial to his parents. The oldest of six children, he is charming, bright, talented and a con man. He uses drugs as a life style, lies easily and gracefully and undermines every effort of his realistic and committed parents, social worker and probation officer. Finally, he runs away, to everyone's relief and his own. Mike is a stayaway.

There are many types of youngsters loosely classified as runaways, each with different needs, problems and potential solutions for their problems. Unfortunately, the term "runaway" by which we stigmatize these youngsters causes us to think and act stereotypically.

The word "runaway" denotes negative social attitudes: Running away from something usually means cowardice or a kind of sullen rejection. Many concerned people have tried to convert this negative attitude into a positive by turning the tables. They say that runaways have the courage to leave a bad situation, are making a healthy, aggressive response to that bad situation. Nonetheless, runaways and runaway services are the targets of hostility, criticism and negative reinforcement.

Progress is being made, however: We are developing more, useful services for runaways, and more helping persons of all kinds are taking the pledge to evaluate the runaways' needs and develop appropriate services. Just as there are many kinds of runaways—PINS, stayaways, unemancipated minors, throwaways—so there are many styles of services.

The Heart of the Matter

Just as runaways compose a diverse group with very different needs, so the systematic overview of runaway services presented here contains diverse approaches. Each approach has some unique elements: the composition (who does it), the mandate (how it is authorized to act), the geography (where it functions), the goals (why it is being done) and the constraints (what threatens continuance).

The accompanying flow chart identifies the styles. There are two reasons for this approach. The first is to have knowledge of the range of styles necessary to meet the service needs of runaways. A healthy system needs diverse elements competing to serve needs; this keeps

FLOW CHART
Styles of Service to Runaways

Entrepreneur	Committee	Agency	Legal	Purist	Complex	Advocate
Minister "Foster Parent" Volunteer	Allies-in-the-Cause: School Social Worker Business Person Psychologist	Social Service Agency	Juvenile Court Polices Dept. Youth Bureaus	Runaway Houses	State Social Services	National Council on Crime & Delinquency
		Crisis Lines Free Clinic	Legislative Bodies	"Attention" or Communal Homes	Federal Dept. HEW & LEAA	Nat'l Ass'n of Social Workers; Michigan League for Human Services

standards high. (The negative results when a system is co-opted are apparent in the welfare mess. Since there is no real competition to serve those in economic need, the virtual sole supplier meets only the lowest common denominator of need, resulting in inefficiency, brutalization of the consumer and need-frustration.) Consequently, in the system under discussion each style needs support and supporters.

Second, by evaluating each style, interventions within each style and coordination attempts throughout the system of styles can be made more meaningful. Strengths can be mobilized and weaknesses avoided or changed. Therefore, each reader may adopt a plan of action or a choice of strategy to affect the giving of service to runaways as well as the service givers.

The analysis presented here is not all-inclusive: Some styles have been submerged and some representative organizations or agencies are identified by name while others, equally important, are not. This is arbitrary but not meant to be discriminatory. Nor is each style exhaustively analyzed; that is beyond the scope of this paper. The intent here is to provide a general introduction to the subject.

Entrepreneur Style

Examples: Minister, "foster parent," volunteer.

Geography: Neighborhood community.

Mandate: Voluntary, ethical.

Goals: Go to bat for a runaway kid; give shelter; try to solve "the problem."

Constraints: Illegal, lack of resources.

The most familiar entrepreneur is the adult in the community, usually a parent of teenage children, who is identified by youngsters as "easy to talk to." This entrepreneur usually finds a son's or daughter's friend on the doorstep after a fight with his or her parents and takes the youngster in for a brief stay. Also in this category is the minister who has an avid youth following and is usually available to youngsters at all hours. This entrepreneur usually houses a youngster, then talks the parents into a referral to a social agency.

All entrepreneurs tend to share a common identification with social precepts such as "charity begins at home" and "help thy neighbor." They tend to act out of an informed moral sense. Their activities may be precedents for the Committee Style.

Committee Style

Examples: Allies-in-the-cause, school social worker, business person, religious leader, psychologist, housewife.

Geography: Large neighborhood or community, or an incorporated entity, city, county, suburb.

Mandate: Voluntary, quasi-legal/legal.

Goals: Clearinghouse—Who needs what? Bring resources to bear.

Constraints: Adverse social pressures, lack of resources.

This style, typified by the Oakland County Youth Assistance Program, a precourt prevention program serving youth at the first sign of trouble and preventing legal involvement, may occur informally at the outset. However, the nature of its formation and organization tends to provoke search for legitimation. Eventually, it aligns itself with an official body such as a fund-raising or planning body, a church or a juvenile court.

Through a combination of arm-twisting and social pressures, the Committee Style goes to work to obtain community resources for its "clientele." The committee may approach an agency in the community, for instance, and "demand" more service for runaways.

One of the strengths of the Committee Style, an amalgam of participants from different backgrounds and disciplines, may also be a weakness: a base not broad enough to be seen as representing the community. Further, one of the pitfalls in this style is that a member of the committee may use it for personal gain—an attorney looking for cases, for example.

A pre-Committee Style can be seen in the informed network of referrals among agencies and organizations. Often one worker will tell another to skip the intake route when referring a youngster and "call" Jones directly—"he'll cut through the red tape." These referral arrangements are usually reciprocal and, if mobilized into an entity, would be a Committee Style, made up of Entrepreneurs.

Agency Style

Examples: Social service agency, crisis and hot lines, free clinics, professionals and nonprofessionals.

Geography: City, county, neighborhood.

Mandate: Expressed social concerns, licensing, political support, voluntary.

Goals: Respond to community problems, fulfill legal obligation, help individual cases.

Constraints: Public opinion, threat of loss of funding, goal displacements.

Since there is a wealth of literature available on the nature and function of the Agency Style, this is not pursued here to any great degree. However, in regard to runaways, one point should be made.

Goal displacement often occurs in agency operations, means becoming ends. A counseling agency, for instance, sees counseling as the service rather than the vehicle for service, or the means to achieve solutions. Counseling to runaways and their families becomes the goal rather than one process by which the causes for running away or the conditions producing runaways are dealt with by the agency. This subverts the broader goals of programs to meet runaways' needs or influence social attitudes about running away. Client statistics are cited then, rather than social changes being achieved.

Legal Style

Examples: Juvenile court, police departments, youth bureaus, legislative bodies, licensing agencies.

Geography: Ubiquitous.

Mandate: Legal, political, community sanction, periodic reinforcement—elections.

Goals: Prevent crime, preserve institutions, protect citizens, provide models of conduct and guidelines for behavior and detention facilities, set standards.

Constraints: Consumer fear and hostility, cynicism, goal displacement, lack of resources.

All of the Legal Styles are based to one degree or another on legal sanctions. That is a great strength but also a weakness, since laws are relatively inflexible and exacting. Although great power can be used for the greatest good by the Legal Style, by and large abuses and failure are more prevalent. Current controversy, for instance, concerns juvenile runaways as status offenders, a legal status that, while relatively neutral, exposes the runaway to institutionalization with juveniles who have committed serious offenses such as robbery, or even murder.

The constraints in the Legal Style, some from within, some from without, are particularly relevant. Goal displacement here is seen as upholding the law rather than using the law to achieve good: runaways are incarcerated rather than protected, or they are adjudicated rather than enlightened. The Legal Style tends to be rigid and stereotypic, since laws are essentially monolithic. One constraint often cited by Legal Styles is "lack of resources," often a paper tiger to avoid blame or criticism. Police youth departments, for instance, say they cannot effectively deal with runaways because they lack funds to hire staff. This may mean they cannot change their Legal Style from enforcement to another mode.

From without, constraints are particularly important. Consumer fear and hostility because of bad experiences and public cynicism about the end results prevent many from using the Legal Style. The repeater runaway who runs from home, then ends up running from representatives of the Legal Style, is labeled delinquent, another form of goal displacement by which consumers who object to the style of service are labeled deviant.

There are usually entrepreneurs in the Legal Style who are in hot water for "bucking the system." They usually have divided loyalties and will "bend" policies or procedures to fit individuals. They are usually repressed or disciplined, since the Legal Style generally enforces its mandate on behalf of those inside and outside of the system. However, entrepreneurs may also serve to keep a balance in the Legal Style and may even provoke change.

Purist Style

Examples: Runaway houses, "attention homes" vs. detention homes, communal version of foster homes.

Geography: Ad hoc, scattered.

Mandate: Demonstration/funding, legal or legislated, ideological.

Goals: Safe, therapeutic place for runaways, healing or curative services to runaways and families, legitimation of running away, advocacy on runaway problem, promotion of alternate life styles.

Constraints: Harassment, adversive social pressures, lack of resources.

This style cannot be described with great accuracy since it is new and still forming. In fact, the communal foster home or "attention home" (a phrase coined by Milton Rector in the article "PINS Cases: An American Scandal") [2:4] is an idea whose time is coming just as "runaway houses" have come into being in the last 10 years or so.

The communal foster home, an idea fostered by Detroit Transit Alternative and the Sanctuary, two runaway houses in Michigan, would be an alternative to foster care for runaways who could not return home or who would not benefit from a traditional placement. This Purist Style would involve a small home of five to seven persons, living together and running the home collectively by participating in all decision making and tasks. Runaways might leave a "runaway house" and go into an "attention home." Parental, court or state financial support would defray expenses. A runaway might stay for months or longer until ready for full independence.

The Purist Style has some unique elements. In some runaway shelters the communal or collective style of decision making is employed, leading to a more horizontal, less hierarchical internal organization There may be a greater representation of the consumer in policy and decision making and indeed, staff may be former recent runaways themselves.

At this point, the Purist Style has no real base for continuance. Most are financially insecure or are funded as demonstrations. Community support is still wavering, though strengthening. One sticking point is the legitimation of running away, since this runs counter to much public opinion, and public opinion will have to change before public support is guaranteed.

Complex Style

Examples: State social services, federal agencies such as Health, Education and Welfare; Law Enforcement Acts Administration.

Geography: Ubiquitous.

Mandate: Legal, political, financial.

Goals: Preventing "crime," strengthening of institutions, promoting social peace and harmony, fulfilling expressed social concerns, reinforcing sanctions, avoiding negative publicity.

Constraints: Bureaucracy, patronage, disaffiliation from consumer.

Constraints here assume a great role and can significantly lessen the positive impact on the consumer. The disaffiliation from the consumer, for instance, is caused by the distance between the consumer and the initiator: The Law Enforcement Acts Administration (LEAA) acts in "chambers" in Washington, passes on its control to the states, which in turn set up a mechanism for identifying, then recruiting communities, then serving the consumer. By then, several thousand more youngsters have run away.

Nonetheless, two recent developments may effectively contravene the process: New LEAA guidelines require an advisory board at the state level to consult on the use of funds. If these board positions are filled by consumers or consumer surrogates, the gap may be narrowed. Further, the concept of purchase of service, or contracting, whereby a state agency buys service rather than co-opting the funds to develop the service itself, can result in community-based groups' being contracted. Their identification and affiliation with the consumer might mitigate the tendency of the Complex Style to reduce everything to a highly uniform, duplicatable format. These trends are developing, but cannot yet be seen as standard operating procedure.

Advocacy Style

Examples: National Council on Crime and Delinquency, National Association of Social Workers, Michigan League for Human Services, National Youth Alternatives Project.

Geography: National, regional.

Mandate: Licensed, empowered, constituent-sanctioned, demonstrated expertise.

Goals: Study social issues and arrive at recommendations, issue statements, effectively demonstrate needs, bring about reform.

Constraints: Social apathy, lack of popular support, inadequate public relations.

Although social apathy and lack of popular support can constrain the Advocacy Style from achieving success, this can be avoided by a determined and able entrepreneur heading up the organization. Ralph Nader (Nader's Raiders), Martin Luther King, John Gardner (Common Cause) are examples.

Currently, Milton Rector, president of the National Council on Crime and Delinquency, is spearheading the campaign for runaways. Whether other organizations such as the National Youth Alternatives Project will emerge as successful examples of the Advocacy Style is uncertain.

In addition, Senator Birch Bayh has been aligning himself with several organizations that are potential change agents: The National Association for Mental Health and the American Psychiatric Association [1].

One obvious drawback to the Advocacy Style is the need for a dramatic issue: The slaughters in Houston in 1973 lent impetus to the runaway "cause." But the possibility of encroaching social apathy (such as occurred with the National Welfare Rights Organization) must be countered with eternal vigilance and strong public relations.

As a last word, I set off an early warning signal. Again, I emphasize that the competitions inherent in the system are basically healthy, especially when they lead to cooperation among the competitors. The danger is in takeover or co-optation, due to a lack of competition. For instance, one style may capture more of the financial resources and buy the others out with legal support. One example of this is our methadone programs, funded by the federal government with exclusive rights to methadone treatment, which have made consumers virtual political prisoners.

Another danger is when apathy strikes and styles of service leave the arena too early, before they have been tested. This is also called pre-apathy and is known to affect social agencies and professionals who declare they have no expertise and refuse to compete for the consumer.

The third danger is the "Expert Relevance Syndrome." One style is promoted, publicized, lionized and becomes so popularized that it is invested with magic qualities, out of proportion to its capacities. Other styles then fold their tents and steal away, leaving the mythic style to do the work of many (and fail).

We must be alert to these symptoms and deal with them. This means individual action, commitment and follow-through along the entire range of styles. If not, runaways will become political prisoners of a tyrannical style, and subject to its abuses. Better, perhaps, to go unserved.

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(Address requests for a reprint to Michael H. Margolin, Executive Director, Travelers Aid Society, 1528 Woodward, Detroit, Mich. 48226.)

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Senator SPECTER. Thank you very much, Senator Denton. I think we can work together. We have worked collaboratively on this subcommittee, and I commend you for your leadership, your leadership in the Family Caucus. We worked jointly in the Family Caucus and Children's Caucus, and we shall work together.

I would like now to call on our final witness, Ms. Linda Otto, producer with Alan Landsburg Productions.

Ms. Otto, unfortunately, we are under some time constraints where we have to conclude by noon.

STATEMENT OF LINDA OTTO, PRODUCER, ALAN LANSBURG PRODUCTIONS

Ms. OTTO. Mr. Chairman, I will do my best, but I did travel several thousand miles to be here. So I hope you can give me an extra 5 or 10 minutes so that I can conclude.

Senator SPECTER. You may proceed.

Ms. OTTO. Thank you.

In the interest of time, I will skip right to the point. I am here today to support this bill because without it, we will never be able to confront the many dimensions and problems of missing and exploited children.

I would like to address one or two points in the proposed legislation: that the definition of "missing" be amended to include all children under the age of 18. Even though the circumstances surrounding the disappearance of some of these older children may not clearly show evidence of foul play, we are finding more and more that they were victims of foul play, and I believe that a 13-year-old has as much right to help as a 14-year-old.

That the 5-person board perhaps be expanded to 10, since the whole missing child issue is so fragmented. I think 10 people would be better.

I make these recommendations in the aftermath of the specific experience I had after the television broadcast of "Adam," which would but for its last 2 minutes have been just another movie. But because NBC, who played a very special role, allowed me to run a missing child rollcall at the end of the movie and an 800 number, unprecedented, no network had ever before allowed a movie to enter into reality this way, and I would like to say for the record that this decision was made by Grant Tinker, chairman of the board and chief executive officer of NBC, who believed that if we would find just one child that it would be worth any problem NBC might have encountered because its change in policy.

Senator SPECTER. Ms. Otto, your work on "Adam" and the cooperation of NBC and Mr. Tinker, as you have identified it, and the remarkable results of displaying the photos of some 55 children and locating 13 and 2 more, so that 15 children were located, I think is very likely the most productive 2 minutes of television ever.

Ms. OTTO. Thank you. I would like to tell you what else we are doing.

Senator SPECTER. And it goes in some very heavy competition.

Ms. OTTO. Thank you.

I was at Child Find the night "Adam" aired, and when the missing rollcall finished and Child Find's 800 number filled the screen, we sat there thinking, did anybody watch? Will anybody call? We were opposite Monday Night's Football and Willie Nelson, which is not too easy when you have a movie about a missing child.

Then, 1 second after the 800 number left the screen, it was as if the director said, "Cue the telephones" 'because every phone lit up at once.

Senator SPECTER. How many phones were there?

Ms. OTTO. Ten, ten or twelve. There were over 1,000 identifications on 55 missing children. There were approximately 150 phone calls per hour for 72 hours, and I would, if I can—this of course is the nightmare, producing. Movies are easy to sell, produce and watch on television, but God forbid you have to screen one. With the time problem, I would like to show you the dramatic result of that rollcall.

Senator SPECTER. Please do. Shall we dim the house lights?

Ms. OTTO. That would be wonderful.

[Whereupon, the videotape referred to was shown.]

Ms. OTTO. This rollcall was seen by approximately 50 million people. What we had to take the telephone calls for those 50 million people were 10 people. How many hundreds or thousands of calls did we miss? How many other children could have been found if only we had had more telephones?

It is unfortunate that we do not have those telephones now because NBC in another unprecedented move has given us a second run of "Adam" this April. April 30, 1984, "Adam" will run again, and we will get a chance to do a new missing rollcall for more missing children.

But even that is not enough.

Senator SPECTER. How many lines will be available on the 800 number?

Ms. OTTO. I would say, Mr. Chairman, the same 10 lines and the same 10 volunteers.

Senator SPECTER. Well, perhaps we could be of some assistance to you. Maybe there would be a way to find additional lines.

Ms. OTTO. I think it would make a huge difference. In fact, I know it would make a huge difference, and it is not just for "Adam" that we need these additional telephones.

Thanks again to NBC and particularly to Steve Antonetti, news director for KNBC in Los Angeles, NBC in its five owned-and-operated stations, which are Los Angeles, New York, Chicago, Cleveland, and Washington, DC, has added a 5 o'clock news feature to the 5 o'clock news on Monday, and it is a feature about a missing child which comes from a different city every week. The stations run them simultaneously, and they cover approximately 22 percent of the U.S. population.

If I can indulge you just one more time, this is the first, I hope—this is one of the first six stories. This will be one of the first six stories.

[Whereupon, the videotape referred to was shown.]

Ms. OTTO. I am just going to cut into this in the interest of time because I have a few more things to say.

Local law enforcement still waits 24 to 72 hours before instituting a search nationwide. Local law enforcement, with the exception, of course, of Mr. Ruffino and 1 or 2 other members of local law enforcement, still arbitrarily label children over 12 as runaways so they do not have to go out to look for them.

The FBI never becomes involved, not in my experience and not any more since the Missing Children Act. I would be glad to talk to you about that with my specific experience if that is of interest to you.

But what I came here to say today really is that we need to focus national attention on this problem, and because of my standing in the television community and because of the success of "Adam," I have the ability to generate high visibility for missing children. But what happens when a missing child is found?

We are going to show you at the end what happened with Jeremy Long. Jeremy Long was found as a direct result of this missing child report. It took every staff and volunteer that Find the Children had. We called 5 or 10 more people nationwide just to reunite 1 woman and 1 child. We got no help from local police. We got no help from the local probation department. We got no help from anybody, and Mrs. Long could not afford the plane fare from Los Angeles to San Jose where Jeremy was placed in a foster care home because there was nowhere else to put him, and she could not get to him.

So Find the Children paid her expenses, but we can no longer do this alone. Without the passage of this bill, there is no way for us to bring home the Jeremy Longs unless I do it once a month by myself, and that just will not do. It is like putting a Band-Aid on somebody who has open heart surgery.

There are hundreds of thousands of children out there, and there are 5 to 10 organizations like myself trying to cope with this, and this cannot go on.

As more and more national attention is focused on missing children, hopefully as a result of this bill and your long and good work, which I would have thanked you for in the beginning, but I was in a rush, we expect that the private sector will join in, and I hope and I assume that you will encourage such participation.

On a small but wonderful scale, we are already seeing it happen. It is being effected by the large, but gentle hands of Kikkie Vanderway, star forward for the NBA's Denver Huggets. On February 17 in Los Angeles, last Friday night, Brook Shoes, Kikkie Vanderway's sponsor, paid $100 for every point that Kikkie Vanderway scored to find the children. It was more than enough to bring home Jeremy Long.

NBC is committed to continuing these missing child reports, but we want to bring home 1 million Jeremy Longs, and we should be able to bring home 1 million Jeremy Longs, and hopefully we will be ready to show you what that looks like when a child and a parent is reunited.

Senator SPECTER. What more involved of the private sector would you like to see, Ms. Otto?

Ms. OTTO. Well, I would like for the community relations and public service departments of big corporations to become involved financially in helping support not particularly my organization, Find the Children, because I think I am equipped to raise funds by myself, but the Child Finds and the Missing Children Help Centers and Ms. Peterson, the people all over the country. These organizations, with the exception of mine, have been started by grief-stricken, bereaved, frightened, desperate parents.

Senator Specter. Ms. Otto, what more can this subcommittee or the Judiciary Committee or the Congress do?

Ms. Otto. Well, I am very concerned that the provisions in this bill that pertain to missing children be given crucial attention. I know that this is attached to another bill, which I cannot address myself to, because I do not know enough about it. I am only concerned that there be a national center, that there be a national 800 number, and that there be funds for Ms. Peterson, for Child Find, for Missing Children's Help Center, for all of the organizations that will not survive unless they get this help, and for all of the hundreds of thousands of children who will never be seen again unless they can do their work.

Senator Specter. Ms. Otto, we very much appreciate your being here. You have had more than the time you requested, but if you need a little more, proceed.

Ms. Otto. Well, I would like to show you one happy ending since this is such an unhappy, heart-rending subject, and since I am feeling the pain of Ms. Peterson and her family, that it might be good to end on a happy note of one child who was found.

[Whereupon, the videotape referred to was shown.]

Ms. Otto. This is when she found out that Jeremy was in San Jose.

Senator Specter. When was that "tomorrow morning," Ms. Otto?

Ms. Otto. That was about 2 weeks ago, a little less than 2 weeks ago. There is just a little bit more.

[Whereupon, the videotape referred to was shown.]

Ms. Otto. She had not seen Jeremy for 14 months.

That is it.

Senator Specter. That says it all. Thank you very much.

Ms. Otto. You are welcome.

[Whereupon, at 12:08 p.m., the subcommittee was adjourned, subject to the call of the Chair.]

[The prepared statement of Ms. Otto and additional material follow:]

PREPARED STATEMENT OF LINDA OTTO

Mr. Chairman, I appreciate the opportunity to appear before this subcommittee. I am here today in my capacity as President of the Find The Children Foundation, an outgrowth of my work as producer of the television movie "ADAM". I, along with many others in the television and film community are deeply grateful to you for your long and continuing work on behalf of America's missing and exploited children.

My involvement began 4 years ago when I started research on a documentary about missing children. I learned that even the most haphazardly gathered statistics indicated that as many as a million and a half American children might be missing. Very little public attention was being given to the problem and no federal government agency was acting upon it. Local police arbitrarily labeled children over 12 as runaways. Police policy often called for a potentially disatrous 24 to 72 hour waiting period before they would begin a search. The FBI almost never became involved. Trapped in the wake of this inactivity were desperate parents and countless missing children.

I am here today to support S. 2014 because without it we will never be able to confront the many dimensions and problems of missing and exploited children in a meaningful way.

I would like to address three points in the proposed legislation to which I hope you will give your consideration:

1. That the provisions for missing children be considered independently of the Juvenile Justice and Delinquency Prevention Act so that this issue can at last stand on its own and receive the support it so desperately needs.
2. That the definition of "MISSING" be ammended to include all children under the age of 18 so that the 14, 15, 16, and 17 year olds receive the same help as provided to the younger children. Even though the circumstances surrounding the disappearance of some of these older children

may not clearly show evidence of foul play, we are finding more and more that many of them were in fact so victimized. We can no longer afford to give local law enforcement the convenience of labeling children at risk as "runaways". Surely they deserve the same help at 14 as they did at 13.

3. That the 5-person board be expanded to at least 15. There are so many different kinds of "missing children" and the information is so fragmented that more experience and background is needed on that board, in my opinion, than can be found in any 5 people.

I make these recommendations in the aftermath of the specific experience I had following the TV broadcast of "ADAM".

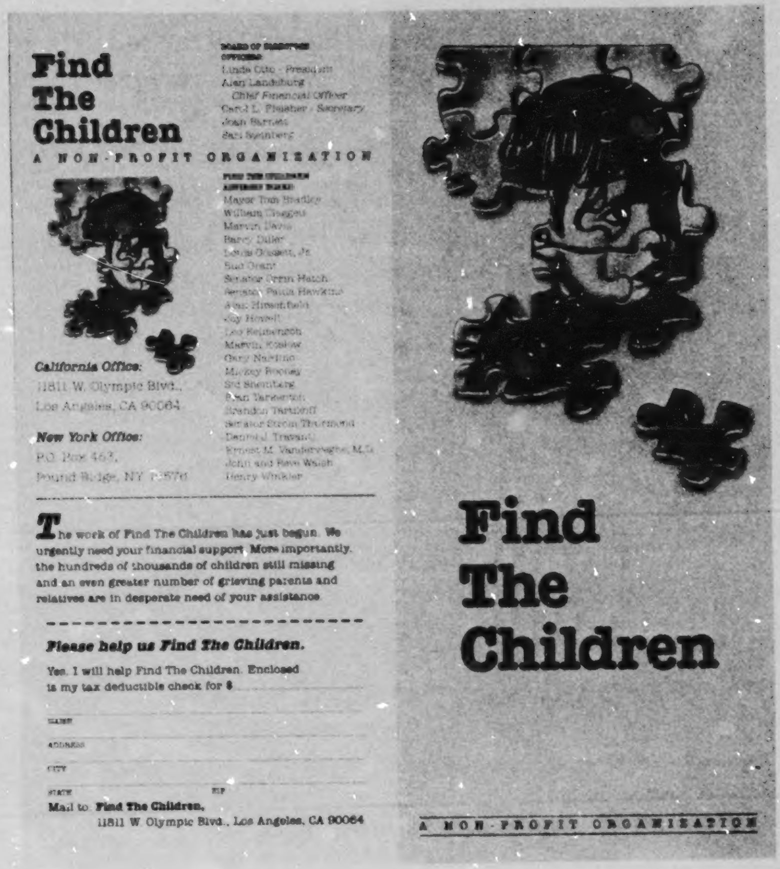
For 94 of its 96 minutes, "ADAM" might have been just another movie. The tragic story of Adam Walsh's kidnapping and murder, its devastating effect on John and Reve Walsh and their effort to bring about passage of the Missing Children Act was the substance of the film. The roles of Senator Paula Hawkins and Senate Investigator Jay Howell were also portrayed indicating the start of federal action toward solving the problem. But it was in the last 2 minutes that "ADAM" achieved its unique distinction, and in so doing made clear the action that must be taken and cannot be accomplished without passage of this bill. NBC allowed me to show a roll call of missing children. After due consideration they further consented to the use of an "800" number for viewers to call. No network had ever before allowed a movie--an entertainment--to move into reality this way. The decision was made by Grant Tinker, Chairman of the Board and Chief Executive Officer of NBC, who believed that if we found just one child that it would be worth any problems NBC might encounter as a result of this change of policy.

I was at Child Find in New Paltz, New York, the night "ADAM" aired. When the missing child roll call ended, Child Find's "800" number filled the screen for 10 seconds...there was a moment of silence while we all wondered if anyone would call, and then suddenly every phone line lit up at once. There were approximately 150 calls per hour for 3 days. The phones didn't stop after that but the number of calls began to decrease. There were over 1000 identifications on 55 missing children. May I show you that roll call and its very dramatic result (ROLL TAPE). For the fifty million viewers who saw "ADAM", we provided 10 Child Find staff and volunteers to answer their calls. How many hundreds or thousands of calls were missed? How many children could have been found if there had been more phones? This bill can give us those phones so that more children can be found. It is unfortunate that we don't have those phones now because NBC has scheduled a second airing of "ADAM" on April 30. This rerun will give us the chance to do a new roll call of missing children at the end of the movie--children who might otherwise never have the chance of being found. But even that is not enough. The most effective way to find missing children is to get their pictures on television on a regular basis. We have begun, thanks to NBC and particularly to Steve Antoniotti, News Director for KNBC in Los Angeles, a weekly news feature that has been added to the Monday 5 o'clock news on the 5 NBC owned and operated stations located in Los Angeles, New York, Chicago, Cleveland, and Washington, D.C. The feature tells the story of a missing child. Each story lasts 2 to 3 minutes, gives the circumstances of the child's disppearance, shows a picture of the child and uses the Child Find "800" number for viewer participation in locating the child. The segments come from a different city each week and are carried simultaneously on the 5 stations covering 22% of the U.S. population. As in the "ADAM" roll call, these children are victims of both stranger and parental abductions. This is one of the first 6 stories already broadcast. The stories are filmed based on research gathered by Find The Children with the help of volunteer child locator agencies throughout the country. There are regretably too few such organizations whose dedicated work is carried on with unfortunately miniscule budgets. They urgently need help and additional funds to continue their work. NBC has made the missing children segments available to its almost

200 affiliates. The response has been so strong that we believe it will be only a matter of weeks until the majority of them will be airing these segments on a regular basis. I would now like to show you the result of the broadcast of the Jeremy Long missing child story (ROLL TAPE).

Mr. Chairman, I have the ability, because of my standing in the television community and because of the success of "ADAM", to generate high visibility for America's missing children. But there is no existing system to reunite these children with their searching parents once they are found. It took Find The Children's entire staff plus at least 10 other people who we called for help to reunite Jeremy and his mother. There was no assistance from local police, no assistance from the local juvenile probation department, and Mrs. Long could not afford the plane fare from Los Angeles to San Jose where authorities had temporarily placed Jeremy in a foster home. Find The Children paid all of Mrs. Long's expenses, a service which we have provided to other parents, but Find The Children and other organizations like us cannot do this alone. Hundreds of thousands of children need our help and we cannot help them unless we have the support we need. There must be a National Center to take over and assist these children and their parents. There must be a national "800" number for our millions of viewers to call if they can identify a missing child. What we are doing now is putting a bandaid on a person who has just had open-heart surgery.

As more and more national attention is focused on missing and exploited children as a result of this bill, we expect that the private sector will be moved to join us. I hope that you will encourage such participation. On a small but wonderful scale we are already seeing it happen. It is being affected by the large but gentle hands of Kiki Vandeweghe, star forward of the National Basketball Association's Denver Nuggets and his sponsor Brooks Shoes. On February 17 in Los Angeles Brooks donated $100 to Find The Children for each point Kiki scored. It was more than enough to bring home Jeremy Long. Kiki and Brooks will do this again in Washington, D.C. and Las Vegas. NBC will continue to broadcast the missing child reports and we will surely find more children. But we want to bring home a million Jeremy Longs. Please help us.



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John and Reve Walsh
Henry Winkler

California Office:
11811 W. Olympic Blvd.,
Los Angeles, CA 90064

New York Office:
P.O. Box 463,
Pound Ridge, NY 10576

The work of Find The Children has just begun. We urgently need your financial support. More importantly, the hundreds of thousands of children still missing and an even greater number of grieving parents and relatives are in desperate need of your assistance.

Please help us Find The Children.

Yes, I will help Find The Children. Enclosed is my tax deductible check for $ ______

NAME ______

ADDRESS ______

CITY ______

STATE ______ ZIP ______

Mail to: **Find The Children,**
11811 W. Olympic Blvd., Los Angeles, CA 90064

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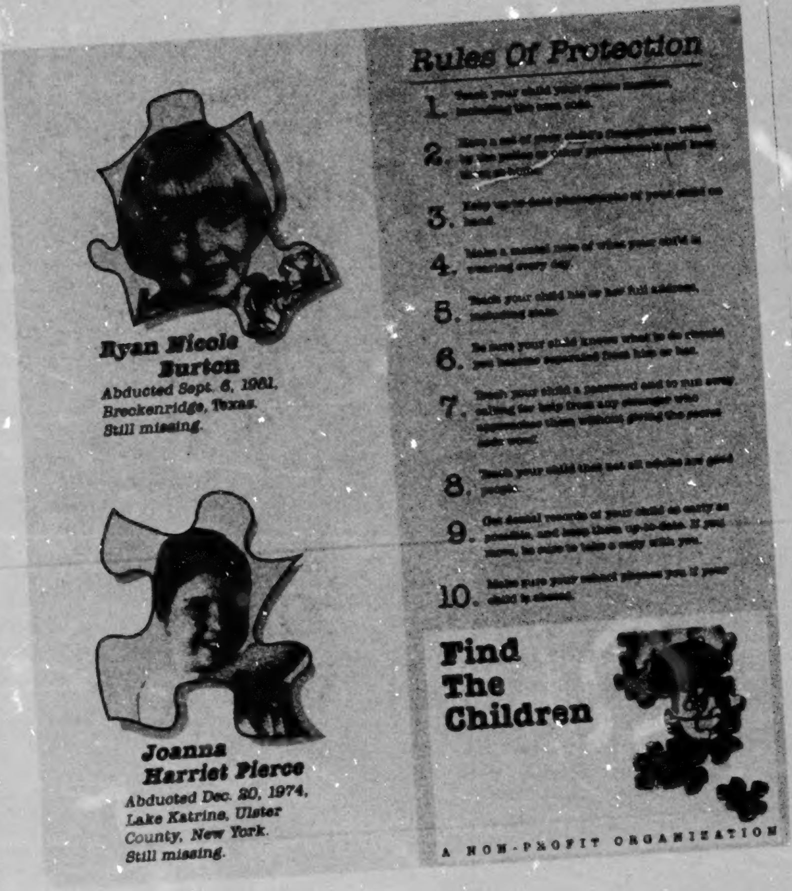

Ryan Nicole Burton
Abducted Sept. 6, 1981,
Breckenridge, Texas.
Still missing.

Joanna Harriet Pierce
Abducted Dec. 20, 1974,
Lake Katrine, Ulster
County, New York.
Still missing.

Rules Of Protection

1. Teach your child your phone number, including the area code.
2. Have a set of your child's fingerprints taken by the police or other professionals and keep [illegible]
3. Keep up-to-date photographs of your child on hand.
4. Make a mental note of what your child is wearing every day.
5. Teach your child his or her full address, including state.
6. Be sure your child knows what to do should you become separated from him or her.
7. Teach your child a password and to run away calling for help from any stranger who approaches them without giving the secret code word.
8. Teach your child that not all adults are good people.
9. Get dental records of your child as early as possible, and keep them up-to-date. If you move, be sure to take a copy with you.
10. Make sure your school phones you if your child is absent.

Find The Children

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Before this hour is out 205 children will be reported missing.

4,932 each day.

1.8 million each year.*

It's a national disgrace, a moral and social crisis. For the children who survive the experience—and many do not—it is often an unforgettable nightmare.

Children are vanishing every day and their parents are searching for them with virtually no assistance. There is no government agency set up to help missing children. Law enforcement agencies, social welfare agencies and juvenile authorities by necessity must place the problem at the bottom of their priority lists. There are isolated organizations trying to help in the search, but their efforts are frustrated by the magnitude of the problem and by the lack of money and of public awareness.

These missing children are the concern of Find The Children, a non-profit foundation whose purpose is to raise funds to be distributed to those regional and national organizations most directly engaged in the search for the 1.8 million children reported missing each year.

We have to be the voice for the children—children who are the lowest priority of any national issue. They do not vote. They do not pay taxes. They have no rights.

The objectives of Find The Children are as diverse as the problem itself. They include:

1. Distributing funds raised by the foundation to other non-profit organizations. The board of directors of Find The Children will carefully review each group prior to any monies being distributed.
2. Promotion of greater Federal involvement and State cooperation in recovering missing children.
3. Coordinating the production of public service announcements for local, regional and national non-profit search organizations.
4. Lobbying of national and local media to broadcast and publish as a regular format pictures and descriptions of missing children.
5. Establish a monetary reward system for information leading to the arrest and conviction in stranger-abducted cases.

*Based on statistics from the *U.S. Department of Health and Human Services.*

Some of our children...

Etan Patz

Disappeared May 25, 1979,
New York City.
Still missing.

Adam Walsh

Abducted July 27, 1981,
Hollywood, Florida.
Found murdered August 10, 1981.

John David Gosch

Disappeared Sept. 5, 1982,
Des Moines, Iowa.
Still missing.

Holly Ann Hughes

Disappeared July 15, 1981,
Staten Island, New York.
Still missing.

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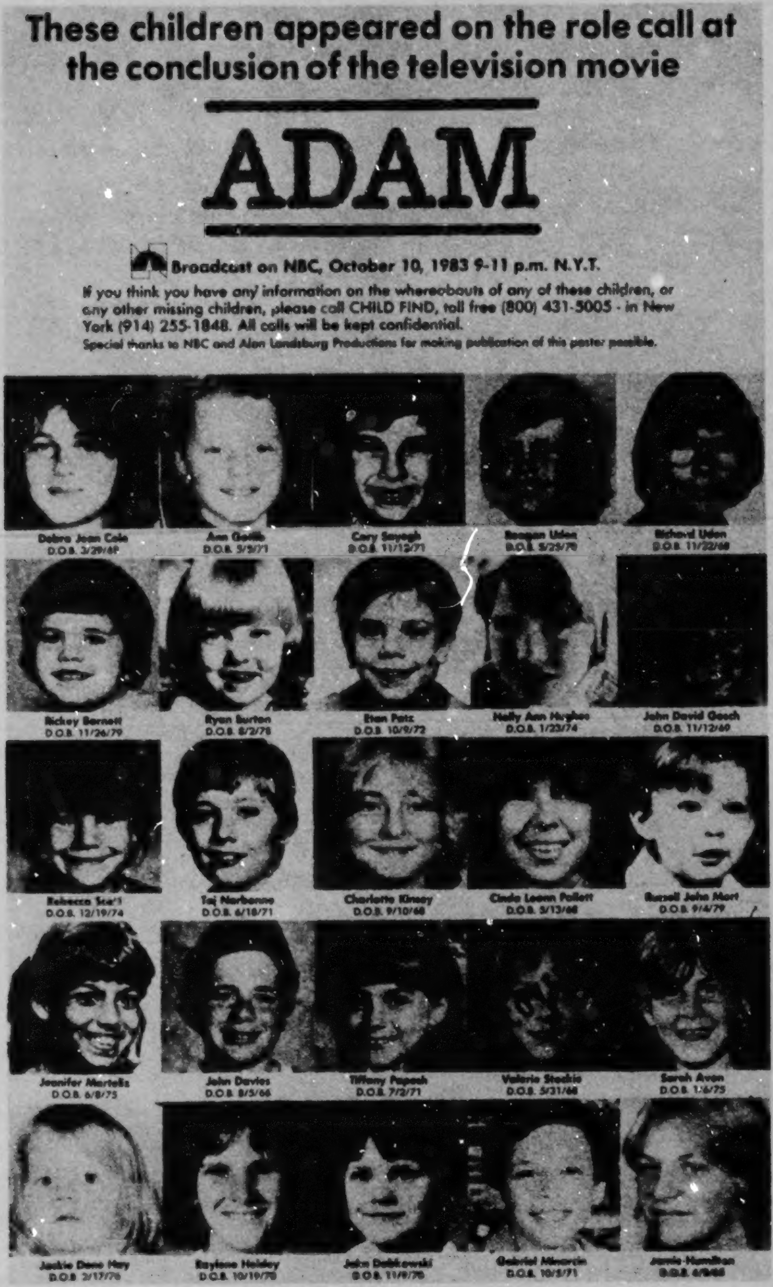

These children appeared on the role call at the conclusion of the television movie

ADAM

Broadcast on NBC, October 10, 1983 9-11 p.m. N.Y.T.

If you think you have any information on the whereabouts of any of these children, or any other missing children, please call CHILD FIND, toll free (800) 431-5005 - in New York (914) 255-1848. All calls will be kept confidential.

Special thanks to NBC and Alan Landsburg Productions for making publication of this poster possible.

Debra Jean Cole
D.O.B. 3/29/69

Ann Gotlib
D.O.B. 5/5/71

Cory Sayegh
D.O.B. 11/12/71

Reagan Udan
D.O.B. 5/25/70

Richard Udan
D.O.B. 11/22/68

Rickey Barnett
D.O.B. 11/26/79

Ryan Burton
D.O.B. 8/2/78

Etan Patz
D.O.B. 10/9/72

Holly Ann Hughes
D.O.B. 1/23/74

John David Gosch
D.O.B. 11/12/69

Rebecca Sta'l
D.O.B. 12/19/74

Taj Narbonne
D.O.B. 6/18/71

Charlotte Kinsey
D.O.B. 9/10/68

Cinda Leann Pallett
D.O.B. 5/13/68

Russell John Mort
D.O.B. 9/4/79

Jennifer Martells
D.O.B. 6/8/75

John Davies
D.O.B. 8/5/66

Tiffany Papesh
D.O.B. 7/2/71

Valerie Stockie
D.O.B. 5/31/68

Sarah Avon
D.O.B. 1/6/75

Jackie Dene Hay
D.O.B. 2/17/76

Kaylene Haldey
D.O.B. 10/19/70

John Dobkowski
D.O.B. 11/9/76

Gabriel Mincarin
D.O.B. 10/5/71

Jamie Hamilton
D.O.B. 6/8/66

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Christie Lynn Farni
D.O.B. 1/18/73

Lisa Stock
D.O.B. 4/19/78

Wallace Guidroz
D.O.B. 3/24/80

Dee Scofield
D.O.B.

James Trotter
D.O.B. 6/12/65

Joanna Pierce
D.O.B. 12/29/68

Martyn Shirlen
D.O.B. 10/14/71

Jennifer Rose Lenker
D.O.B. 8/12/79

Jennifer Swirher
D.O.B. 2/10/77

Raymond Fowler
D.O.B. 9/29/76

Ottum Day Stoelting
D.O.B. 7/8/77

Kelly Junior Hollan
D.O.B. 11/17/75

Richard Wolansky
D.O.B. 2/19/77

Benjamin Martinez
D.O.B. 8/5/80

Justin Clark
D.O.B. 5/8/80

Sherene Shalhub
D.O.B. 6/22/72

Cynthia Clark
D.O.B. 12/22/74

Melissa Lamendola
D.O.B. 8/4/77

Edward Fitzpatrick
D.O.B. 12/27/75

Sean Fitzpatrick
D.O.B. 2/27/77

Melissa Hudmon
D.O.B. 8/6/74

Mokka Gypsy Barton
D.O.B. 1/24/74

Jamie Humphrey
D.O.B. 2/25/76

Jerge Alfaro
D.O.B. 2/4/80

David Fawcett, Jr.
D.O.B. 5/28/78

Victoria Harrison
D.O.B. 7/25/80

Dale John Gervald
D.O.B. 4/17/79

Brian Harrison
D.O.B. 5/2/80

Kevin Lovelace
D.O.B. 4/19/79

James Diehl
D.O.B. 11/17/69

Shannon Ketrum
D.O.B. 11/10/81

Michael Heim
D.O.B. 4/3/71

Nyleen Kay Marshall
D.O.B. 9/18/78

Robert Joseph Fritz
D.O.B. 8/5/77

Bryan Anthony McCane
D.O.B. 9/12/76

As of September 19th, 1983, all of these children were still missing.

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AMERICA'S MISSING CHILDREN

*Each year in this country 1.8 million children are reported missing.

Approximately 1 million of these children are runaways or "throwaways."

At least one hundred thousand children are the victims of parental kidnappings.

Twenty to fifty thousand children disappear each year and their cases remain unsolved for at least a year. Included in this group are the victims of stranger abductions, murder and abuse victims, children taken to be raised by unknown individuals and some runaways.

In the last week of July, 1983 in the State of Florida alone, more than three hundred children were reported as missing. At least twelve of these children were under the age of ten.

*Each year in this country at least 2500 children are the victims of homicides.

*Each year in this country at least three thousand individuals are buried unidentified in John or Jane Doe graves. Hundreds of these unfortunates are children.

*As of September 14, 1983 the City of Boston reported more than eleven hundred children as currently missing from that city alone.

The Missing Children Act established two national clearinghouses of information. One computer bank stores the names, physical characteristics, dates of birth, and circumstances of disappearance for cases of missing children. The Act allows parents to enter the data concerning their child's disappearance into the computer through the offices of the FBI if the local police fail to cooperate with the parents. The second clearinghouse collects and diseminates data concerning the remains of unidentified deceased individuals.

This information is from the Office of Senator Paula Hawkins

Find
The
Children

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Ernest M. Vanderweghe, M.D.
John and Reve Walsh
Henry Winkler

RULES OF PROTECTION

1. Teach your child your phone number, including the area code.

2. Have a set of your child's fingerprints taken by the police or other professionals and keep them at home.

3. Keep up-to-date photographs of your child on hand.

4. Make a mental note of what your child is wearing every day.

5. Teach your child his or her full address, including state.

6. Be sure your child knows what to do should you become seperated from him or her.

7. Teach your child a password and to run away calling for help from any stranger who approaches them without giving the secret code word.

8. Teach your child that not all adults are good people.

9. Get dental records of your child as early as possible, and keep them up-to-date. If you move, be sure to take a copy with you.

10. Make sure your school phones you if your child is absent.

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John and Reve Walsh
Henry Winkler

ABDUCTION SAFETY TEST

1. (Child) Do you know your phone number, including the area code?
2. (Adult) Do you have a set of your child's fingerprints that were taken by a professional and that are kept at home?
3. (Adult) Do you have a recent photograph of your child?
4. (Adult) Without taking your eyes off the screen, can you completely describe the clothing your child is wearing right now?
5. (Child) Do you know your full address, including state?
6. (Child) Do you and your parents have a set plan should you ever get lost or seperated from them?
7 (Child) Would you go with a person you didn't know if they said your parents sent them?
8. (Adult) Do you and your child have a set plan in case he or she is approached by a stranger?
9. (Adult) Do you have dental records of your child?
10. (Adult) Does your child's school call you if your child is absent?

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People weekly

Party

HOLLYWOOD TURNS KID FOR A DAY BUT THERE'S A SERIOUS REASON— TO FIGHT CHILDNAPPING

The street on 20th Century-Fox's backlot in L.A. seemed like kidstuff—balloons, roving clowns, ice cream, popcorn—but the purpose was all grown-up. The party and premiere of *Jaws 3-D* raised some $50,000 to benefit Find the Children, an antikidnapping and missing children organization. "It's so unfair that the government cares more about recovering cars than a human life," said Brooke Shields, 18. "They cannot enter a child's statistics into a computer, but they will a car." Added comedian Howie (*St. Elsewhere*) Mandel, 28, "This isn't a Hollywood fantasy. We can make a difference so that children will be safer in this world." □

Dan Travanti [illegible] with Brooke Shields. This fall he'll star in a TV movie based on a child murder that inspired Find the Children.

Says Tom [illegible]: "Any place that has free Popsicles and [illegible]—it can't be a bad way to go."

Saturday Night Live's Joe Piscopo brought wife Nancy but wouldn't take son Joey, 4, to *Jaws 3-D*: "It might terrify him."

Lindsay Wagner and husband Henry Kingi had three reasons to attend—their son, Dorian, 10 months, and Henry's kids, Deanna and Henry.

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Milwaukee Journal

OCT. 20, 1983

TV's massive potential for good

Network television, with its millions of viewers, is in a unique position to help reunite more missing children with their families. That fantastic discovery was made in the aftermath of the NBC television movie "Adam."

The film about child abduction was followed by a montage of photographs of 55 missing children. One child saw her own picture and called her grandparents, who called Child Find Inc., the voluntary nationwide organization. Thus far, she and three others have been returned home. Network television has done what the FBI, local police and thousands of volunteers couldn't do without TV.

Is there some way that network TV could, on a regular basis, help locate more missing children and thus help relieve one of this nation's most vexing social problems? Probably so. And to its credit, NBC is exploring how to accomplish that. Several of the network's employes involved in the "Adam" project expressed deep personal satisfaction and feelings of accomplishment from knowing that they helped to return children to their tormented families.

Betty Hudson, NBC vice-president of corporate relations, points out that if a network were to distribute photos of missing children regularly, the voluntary organization Child Find would need more money, more trained volunteers and extra phone lines. Hudson also notes that 51 of the 55 missing children pictured in the NBC montage were white — primarily because many nonwhite missing children are from poor families that did not have photographs of an acceptable quality for showing on television.

If police, parents, school officials and others in Milwaukee, for example, want to make this a safer city for children, Hudson suggests, the community could consider (a) raising money so that school photos could be kept for each child, especially poor children who don't usually buy school pictures; (b) establishing a local missing-child hotline, and (c) sponsoring safety seminars for parents and children.

In our opinion, such a project would have significantly more potential than the massive effort to fingerprint children. Unfortunately, fingerprints are of value primarily in identifying bodies — whereas photos on national television are likely to be recognized by people who can assist in returning missing children, alive.

That more promising approach to reuniting America's missing children with their families deserves widespread support. Eventually, fear of having a child recognized on television could prove to be a useful deterrent to the horrible crime of child abduction.

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Los Angeles Times

VIEW

Wednesday, August 31, 1983/Part V

HAVE YOU SEEN
JARED HALL?
WHERE IS
VIOLET
MARIE?
Where is
Brian & Brenda
Mallen
W
DE

GARY FRAMPTON / Los Angeles Times

Linda Otto with photos of missing children: "Children everywhere are afraid of being kidnaped."

Film Maker Takes Up the Cause

New Awareness of Missing Children

By ANN JAPENGA, *Times Staff Writer*

People who meet with producer Linda Otto in her office at Alan Landsburg Productions might assume the framed snapshot on her desk is of her own child. It's a boy captured in one of those perfect moments of summer as he's about to bite into a basketball-sized cloud of pink cotton candy.

Known Names of Missing

The boy is Adam Walsh and he is not related to the 43-year-old producer. Walsh was abducted from a Sears' toy department in Hollywood, Fla., in 1981. His severed head was later found floating in a canal.

Otto knows the names of missing children as well as most parents know their own. She recites their stories for anyone who will listen.

Ryan Burton—stolen from her crib on a rainy night in Breckenridge, Tex., while the baby sitter dozed.

John Gosch—they found his bicycle, found the newspapers he was delivering when he vanished in Des Moines, Iowa, but never found John.

Etan Patz—last seen 150 yards from his school bus stop in New York City. A movie called "Without a Trace" was made about Patz's abduction.

"People who see that movie are going to think children who are kidnaped get found," Otto said, referring to the fictional upbeat ending in the film. "In fact they're almost never found. They're never going to find Etan Patz.

"Who is looking for these children?" Otto asked. "No one's looking. Crimes against children are not taken seriously in this country just the way crimes against women are not taken seriously."

Nonprofit Organization

With support from Alan Landsburg and staff, Otto has formed a nonprofit organization called Find the Children. She's also making a movie about the story of one missing child and his family. Scheduled to air on NBC this fall, it's called "Adam" and it's the story of the boy with the cotton candy.

The U.S. Department of Health and Human Services reports 1.8-million children missing in the country each year. The majority of these are runaways. About 100,000 are abducted by non-custodial parents. A remaining 50,000 are the missing children that concern her, Otto said. Ransom is not the motive. Most of them are never found or they turn up dead, she added.

Two benefit screenings of "Jaws 3-D" have raised about $50,000 so far for Find the Children. The organization is offering a standing $2,500 reward for any information leading to the return of a missing child. Otto plans to provide financial backing for existing child-find organizations around the country, to lobby for stricter penalties for child molesters and kidnapers, and to educate parents nationwide about how to protect their children—for instance, the organization intends to install a computerized "abduction safety test" in a 21-store department store chain in Florida.

Otto had long intended to do a documentary on missing children, so when Alan Landsburg gave her the go-ahead a couple of years ago (the company had received a grant from Bristol-Meyers to produce such a segment), Otto said, "I thought I already knew a lot about missing children. I didn't."

LAPD Starts Immediately

Otto's researchers collected clippings about missing children from five newspapers. Rarely were any strenuous efforts being made to find the child, she said.

Since most children reported missing turn out to be runaways, local police usually don't begin searching for 72 hours. (Otto credits the LAPD for being one of the few departments that begin a child-hunt immediately.)

"When the Lindberg baby was kidnaped and the FBI got involved, all of us were led to believe kidnaping is a federal offense," Otto said. But until recently, she said, the FBI wouldn't become involved unless there was a ransom note or evidence of interstate transport.

Otto's film crew followed John Walsh, Adam Walsh's father, to Washington as he lobbied for legislation to establish a national system for tracing missing children. Called the Missing Children Act, the bill was objected to by some who argued: "Missing children are a local problem," Otto said. The FBI resisted because it didn't want data on hundreds of thousands of runaways and other missing children clogging up its computers, she added.

The act was passed in October, 1982, giving parents the right to enter data on their child with the FBI's National Crime Information Center.

Otto said since passage of the act, the FBI has become more willing to activate local field offices in missing children cases.

Small-Town Concept

Without the cooperation of the FBI, the fate of many children would remain a mystery, Otto said. "If Jenny Kao (kidnaped and murdered in a Pasadena shopping mall) had been taken out of the jurisdiction, some coroner in another city would have buried her in a Jane Doe grave," Otto said.

In the course of filming the documentary, which eventually aired as a segment on ABC's "20-20," Otto said she became increasingly determined to promote a new awareness of children. She advocates a return to a traditional small-town concept, in which children are the responsibility of everyone in the community. It should be commonly assumed that children need protection, and that the child you see crying in the supermarket could be in real trouble, Otto said.

Otto said schools should take more responsibility for keeping tabs on young children's whereabouts. "Other places are not like Beverly Hills where dad takes you to school in his Maserati," she said. A lot can happen between home and the bus stop. In the case of Etan Patz, Otto said, the school never notified his mother that he had failed to show up for class on the day he vanished.

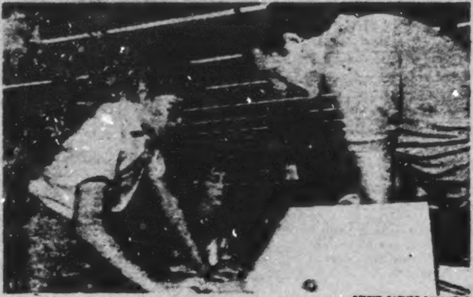
The stories of Etan Patz and Adam Walsh are the stuff of parents' nightmares. Otto said most parents would rather not think about the possibility that their child could be among the ranks of this year's missing. They lock up their kids' fingerprints along with their birth certificates in the safe deposit box and hope that's enough insurance.

Otto herself was never abducted as a child, and she has no children of her own. Yet, this issue has involved her more than any other she has tackled as "the social conscience department" of Landsburg's production company.

"Maybe I thought as a kid I wasn't taken seriously enough about what I was afraid of," she explained. "Children all over the country are afraid of being kidnaped."

Computer has its eye on kids

By RUBEN ROSARIO



[illegible] CARUSO DAILY NEWS

Boy takes safety test on computer as actor Daniel Travanti watches.

Daily News, Monday, September 19, 1983

A computerized system designed to educate parents on ways to safeguard their children from kidnapers and child molesters was launched yesterday at stores in Long Island and Staten Island with the help of "Hill Street Blues" TV star Daniel Travanti.

The system, called an Abduction Safety Test, uses a computer to quiz adults and children on safety questions, then provides the correct answer on a video screen. It was installed by Find the Children Inc., a nonprofit organization.

Travanti, Capt. Frank Furillo of "Hill Street Blues," demonstrated the Abduction Safety Test system for scores of shoppers at two Rockbottom drugstore outlets in Massapequa on Long Island and on Richmond Ave. in Staten Island.

IN A TV MOVIE next month, Travanti will play John Walsh, the father of a 6-year-old Florida boy who was abducted and murdered two years ago. "There are close to 1.8 million children reported missing each year, and 30,000 of them are never heard from again," he told shoppers.

Some of the tips provided by the computer include teaching children as young as 2 years of age to memorize their home phone numbers and area codes, developing a secret password known only to the child and parent in case a stranger tries to lure them by pretending that they were sent by the parents, and informing school officials to contact parents if the child never reaches school.

NEW YORK POST, TUESDAY, SEPTEMBER 20, 1983

LOST, STOLEN, SLAIN: 50,000 KIDS A YEAR

By LINDA STEVENS

DURING this hour alone, 206 children will be reported missing. The total comes to about 1.8 million each year.

Many are runaways and others are abducted by their parents. Many of these return or are found.

"But we lose about 50,000 kids each year forever," said Daniel J. Travanti, Emmy award-winning star of NBC's Hill Street Blues.

"Disappeared. Gone. It doesn't have to be."

Travanti was at a Rockbottom store on Staten Island Sunday, showing off a little computer that asks parents and children a few brief questions — about fingerprints and how to act around strangers.

More important, it gets them thinking about what would happen if the unthinkable occurred.

"It's little enough to be doing," said Travanti, appearing on behalf of an organization called Find the Children.

The little computer test, which will be taken around the country, is part of Find the Children's three-part campaign — to inform and motivate, to raise money for child-protective organizations, and to lobby for stronger legislation.

"Parents usually do worse than kids in the test. That makes my blood run cold," said John Walsh, whose son Adam was abducted in July 1981 and found murdered two weeks later.

That story — and the story of Walsh's fight for legislation to aid in the search for missing children — has become a TV movie called "Adam", starring Travanti and Jobeth Williams. It airs Oct. 10.

"I learned so much so fast, filming "Adam". Everyone who sees it is going to learn from it," said Travanti, who has no children but describes himself as "avuncular."

"They'll be shocked at the extent of the problem, and they'll know they can give just a little attention to every lone child out there without sacrificing any of their time or their money or their lives."

"Adam" producer, Linda Otto, founded and is president of Find the Children.

"I'm in this because all those kids out there are my children," she said. "I want to protect them because they're my future, the future of my country.

"It has to be done, simple as that," she said firmly, "and I want to do it."

"We've had this problem for a long time," said Travanti, "but it's only recently that we've been willing to face it and count the numbers — which are made up of individual children.

"And what those numbers say, louder than everything, is that we're all in this together."

Post Photo by Hal Goldenberg

TV star Dan Travanti (left) and John Walsh view Find the Children display.

oct 12,1983 THE NATION'S NEWSPAPER VIA SATELLITE

USA TODAY

The aftermath of 'Adam'

Parents wait, hope and pray

By Sam Meddis
USA TODAY

For Noreen Gosch of West Des Moines, Iowa, Monday's TV film Adam was "like getting kicked in the belly."

A weeping Sandra Coleman of Surfside Beach, S.C., described the nationally televised two-hour movie as a "present."

Both of the women are mothers of missing children whose photographs were shown on the NBC program.

Both are praying that among the thousands of calls flooding into missing-children agencies, some clue may emerge about their vanished sons.

The mothers said film producer Linda Otto has accomplished her goal — which Otto said was "To create a national awareness that America's children are not safe."

The movie was based on the true story of 6-year-old Adam Walsh, who disappeared on July 27, 1981, from a store in Hollywood, Fla. Adam's severed head was found two weeks later.

Coleman said the enormous publicity might help locate her son, Martyn Ryan Shirlen.

Coleman, who said she has legal custody of the boy, says he was taken from his first-grade classroom by his father seven years ago.

It's a claim she can't prove unless she finds them — often a major problem in parental abduction cases.

She has used her ex-husband's relatives to try to find their whereabouts.

Martyn will be 12 this Friday. The film was "the best birthday present anybody could give," Coleman said.

Gosch said she wishes "more had or something seen" might develop from all the media attention. Her son, John, disappeared while delivering newspapers last year.

Watching the reluctance of law enforcement authorities to become involved in the televised Walsh case was "like getting kicked in the belly — it hurt deeply" because, she said, police and the FBI didn't do enough to help find her son.

Both Gosch and Coleman cited an important difference between them and the Walsh family. "The Walsh family went through a living hell," Gosch said, but "at least they now know what the result is. We just have an empty room."

There are an estimated 1.8 million missing children across the USA, said Jay Howell, an investigator with the Senate Committee on Labor and Human Resources.

While most are runaways, some 100,000 are victims of parental abductions. Between 20,000 and 50,000 missing children are not heard from for at least a year, Howell said.

There are no firm figures on missing children — a reflection of society's past lack of concern about the problem, said Child Find Inc. spokeswoman Kristin Brown.

But one grim fact is undisputed. About 2,500 unidentified juveniles are found slain each year, says the U.S. Justice Department's Alfred S. Regnery.

The federal government is moving to help the families of missing children:

■ Researchers are planning a national missing-children tracking system using FBI computers linked to computers of 52,000 law enforcement agencies. The system could begin within a year, Regnery said.

■ ACTION, the government's volunteer organization, is planning a nationwide program to help local authorities fingerprint children.

Calls poured in from across the USA responding to photos of missing children shown on TV following the movie Adam.

Cindy Leann Pettit, Oklahoma City, Okla.

Robert Joseph Pries, Fond du Lac, Wis.

Raylene Susan Holiday, [illegible], La.

Helena Kay Marshall, Clancy, Mont.

Lisa Michelle Stack, San Antonio, Texas

John Gosch, Des Moines, Iowa

Becky Bell, Los Angeles, Calif.

Missing kids:

TV prompts flood of calls

By Sam Meddis and Ben Brown
USA TODAY

Thousands of calls have poured into agencies that track missing children following a nationally televised movie Monday about a boy who was kidnapped and slain.

"It's been just phenomenal," said Kristin Brown of Child Find Inc., which received 160 to 170 phone calls an hour since Adam aired on NBC, which said the film was seen by 38 million.

The agencies were so inundated by the calls that they immediately began relaying reported sightings of missing children to parents and police across the USA.

At the end of the two-hour film, the photographs of 55 missing children were shown. In several cases, more than one caller reported seeing the same pictured child, Brown said. A child who saw a photo in TV Guide contacted family members and Monday night returned home.

At the Adam Walsh Child Resource Center in Fort Lauderdale, Fla., volunteers received about 2,000 phone calls. Child Find's phone number is 914-255-1848; outside New York state, 800-431-5005.

U.S.NEWS & WORLD REPORT

The Tragedy of America's Missing Children

It happens in stores, near schools, even in the family home—youngsters stolen from those who love them.

Ann Gotlib, 12, a piano virtuoso and Russian émigré, vanished without a trace last summer from a shopping center near her Louisville home.

Becky Barrett, 2, was last seen in August, 1982, playing near a chicken coop on a farm where her grandparents work outside Grangeville, Idaho.

Angela and Josh Post, ages 5 and 2, were in the care of a baby-sitter when two men forced their way into the children's Ohio home and abducted them.

These children are among an alarming number of youngsters reported missing each year—kidnapped by strangers or taken by parents in bitter custody disputes. Their plight has prompted new steps by police, self-help groups and government agencies.

Experts estimate that some 1.8 million children are missing for varying periods each year. About 90 percent run away for a few days and return home. But at least 100,000 are abducted by parents in custody fights, and 20,000 to 50,000 are snatched by strangers—most never to be seen again.

"We find more stolen cars and stray animals than missing children each year," remarks Michael Agopian, a California professor who has studied the problem.

Many of these children meet a tragic fate. Roughly 10 percent are sexually abused, says John Rabun, head of the Exploited and Missing Child Unit of the Louisville Department of Human Services. Adds Rabun: "Any missing child is at risk and in danger."

Says Omaha private investigator Dennis Whalen, who has worked on thousands of child-disappearance cases: "Children have become a product. Some people are willing to pay $20,000 for a child. Mostly, this is for illegal purposes—much of it for reasons of sex. Children as young as 5 or 6 are being used in pornography."

Culprits in these crimes even include child-care workers, teachers, police and social-service workers. "The credentials of these people aren't checked closely enough when they are hired," says Rabun. "I got tired of arresting my colleagues."

Many stolen youngsters never see their parents again. Even in cases in which a parent takes a child from a former spouse, the child is returned only 10 percent of the time.

Deadly toll. More tragic is the fate of those kidnapped by strangers. Citing research by a center named for his son, John Walsh of Fort Lauderdale estimates that 80 percent of such youngsters are murdered within two days of their disappearance. His 6-year-old son, Adam—subject of an NBC television movie on October 10—was killed in July, 1981, soon after being snatched from a department store.

Abducted children usually are under 12, but often are up to 17, especially when strangers kidnap them, authorities say. Victims range from the very poor to the upper class, come from every race and are just as likely to be taken in big cities as they are in small communities and rural areas.

Police and social-service workers say [illegible] are especially dangerous: [illegible] fairs, shopping malls. Tots disappear from shopping carts at grocery stores or when separated from parents in the aisles.

Youngsters often are abducted from areas thought to be safe—walking to or from school, in neighborhood playgrounds, back yards or, as in one California case, a hospital delivery room.

In St. Paul, a 6-year-old disappeared after asking to go to the bathroom at church. Sarah Aven, also 6, vanished in 1981 from in front of her home in Joliet, Ill., where she had been playing with her sister and several friends.

Nyleen Marshall, who would have had her fifth birthday September 18, was reported missing in June of this year. She vanished from a mountain area while on an outing with her parents near their home in Clancy, Mont. Says her mother, Nancy: "Nyleen was trained about the woods and safety. I know she did not wander off."

In another case still being probed by the Federal Bureau of Investigation, 3-year-old Ryan Burton of Breckenridge, Tex., was snatched from her bed two years ago while a baby-sitter and older brother slept. Ryan's parents were away on an overnight trip.

No matter how a disappearance occurs, the impact on the family of a missing child is devastating. Nancy Marshall says Nyleen's 8-year-old sister has lost her best friend and still has trouble sleeping. Revé Walsh, mother of the murdered Adam, won't let her new daughter, Meghan, out of her sight. She repeatedly checks her crib at night.

The trauma surrounding a missing child can lead to tension and bickering in the family and sometimes to divorce. Other families grow closer because of their shared agony.

Some parents continue to display photographs of the child or leave the youngster's room undisturbed. Many would like to move away to put the painful memories behind but hesitate to do so because they want the child to be able to find them.

Lasting effects. For children who survive such abductions, the psychological wounds can take years to heal. A young man who was abducted at age 12 and sexually abused is still getting psychiatric help at age 22. A 3-year-old Colorado girl stolen and sexually assaulted gets psychiatric counseling three times a week. Her attacker is out on bond.

Children taken in custody disputes also can suffer. Although some are taken by loving parents disappointed at having to give them up, others are forced to live with parents who are spiteful or abusive, notes New York attorney Doris Jonas Freed.

Researcher Agopian found that children stolen in custody battles often are forced to live a fugitive lifestyle. Frequently, they are told lies—that the other parent does not care for them any more or, worse, that the parent has died. Even when they are found and returned to the parent with legal custody, they are likely to be distrustful, suffer from nightmares and have difficulty mixing with other boys and girls.

On the Long List of Lost Youngsters—

Sarah Aven

Nyleen Marshall

Cinda Pallett

Becky Barrett

Ann Gotlib

An NBC movie on missing children helped reunite Justin Clark with his mother.

Whether children are taken by parents or strangers, finding them can be an arduous process. Parents normally turn first to local police, who sometimes delay their search—especially for teen-agers—figuring the children are runaways.

Typical was Cinda Pallett, 13, who disappeared while at the Oklahoma State Fair in September, 1981. Despite initial doubts by police, her mother insists that her daughter did not run away. "Cinda was a good student who had a lot to look forward to," says Norma Pallett.

Parents and officials agree that more is being done now to solve the problem. The year-old federal Missing Children's Act requires the FBI to list missing children in a national computer, accessible to most police departments.

Following Senate hearings earlier this year, the Justice Department stepped up searches, and the White House set up a task force.

Several communities have started programs urging parents to fingerprint children as an aid to police, should a youngster ever be missing. Crews of this practice, citing privacy considerations, argue that parents, rather than police, should keep these records.

Police also are beginning to address the problem of abductions by parents at a faster rate than they did in the past. In addition, states are cooperating more in honoring each other's child-custody orders.

Florida has become a leader in enacting a model law that, among other things, establishes a computer bank listing missing children, provides posters of youngsters and offers a toll-free number for those providing information.

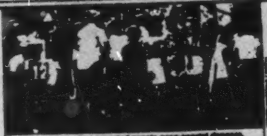
Many efforts to find missing children are spearheaded by parents. After his daughter, Nyleen, disappeared, Kim Marshall founded a nonprofit group to train search-and-rescue dog teams. Says Kim: "If we can spare one family the anguish we have, it will be worth it."

Perhaps the best-known group seeking missing children is Child Find, founded by Gloria Yerkovich in New Paltz, N.Y. For a small fee, Child Find serves as a central registry for pictures and information about missing children. Missing youngsters or people with leads on them are encouraged to call Child Find's toll-free number, (800) 431-5005. Posters of the children are sent to police departments. The group lists some 2,000 children.

Encouraging results. Authorities say publicity is a key factor both in locating lost children and in making the public aware of the seriousness of the problem. When NBC aired the "Adam" film, the Florida center named after him was flooded with 6,000 calls in the first three days from people pledging more than $80,000. A missing Arkansas teen-ager called Child Find with a self-identification after seeing her picture in an article related to the TV movie. Also reunited with his mother was Justin Clark, 3, reported missing a year ago.

The response proves to Child Find's Yerkovich that, with greater awareness, the public can do far more about the problem. "There are people who know where these children are," she says, "but they have to come forward and give us, with full confidentiality, the information they have."

By JEANNE THORNTON


Carnivals and other crowded events pose special dangers.

Ways to Protect Your Children

Experts say it is far easier to prevent a child from being taken than to find missing youngsters. Their advice to parents:

- Never leave a small child alone in a grocery cart or car—even for a minute.
- Be sure your child's day-care center or school will not release the youngster to anyone but you or someone you designate.
- Warn children never to go anywhere with anyone—even a friend—without your permission.
- Have the child tell you when any adult asks him or her to keep a "secret," asks too many questions or wants to give a gift.
- Teach children to call out or to flee from anyone who bothers them.
- Warn youngsters not to let anyone know they are home alone.
- Teach a young child his or her full name, address and phone number. Show how to place a long-distance call.
- Know your child's blood type and have on hand a set of the child's fingerprints, current photograph, dental records and hair sample.

U.S.NEWS
& WORLD REPORT

SLICE OF LIFE®

"I Think Somebody Has My Child"

SHORT OF DEATH ITSELF, what could be more shocking to a family than having to report a child missing? Yet it happens—to tens of thousands of parents every year.

That painful experience is especially sharp for Ruth Mort, 35. Told by doctors that she couldn't have children, she finally gave birth to a son, Russell, only to lose him on May 4, 1982, when the 2-year-old vanished from the back yard of her mobile home. Below, she tells of the anguish she shares with her husband Robert—and how they keep hope alive.

NIAGARA FALLS, N.Y.

It started as a normal Wednesday. My husband had gone off to work, and little Russell went outside to play, as he often did, in the sandbox of our fenced-in back yard.

He hadn't been gone more than 5 minutes when I went out to check on him. My heart stopped. He was gone! The toys he had taken out were right at the edge of the sand pile. Nothing had been disturbed or played with.

Fear hit me immediately because of the hazardous Niagara River about 150 yards from the rear of our home. But Russell was too tiny to climb the fence, and I don't even think he realized the river was there since other homes blocked his view. Still, I raced down to the riverbank. No sight of him.

I ran back to search among the other trailers in our project. No one had seen Russell. Within minutes, 30 people were roaming the area frantically calling for him.

I notified the sheriff's department, and my sister-in-law called my husband at work. Russell had been gone less than an hour.

Dashed hopes. It was the beginning of what for us has become a nightmare that has no end—a year and a half in which our hopes have been raised and dashed again and again.

Needless to say, we were—and are—obsessed with finding our boy. In the first few days, we had to sit back and let others handle the search because bloodhounds were brought in, and our participation would throw off the scent.

Soon, more than 500 people were looking for Russell—in the fields, under the mobile homes, in utility shacks, in every hole and trash can. They tipped over things you wouldn't think a little boy could get under.

The police dragged the river but it yielded nothing. Not then, and not in the months since. But they refused to go into the homes in our development. They told us that would take dozens of search warrants. Yet I couldn't help thinking, "Someone has him in their trailer."

"Find our boy." My anger and frustration grew because of something else: The police were investigating us. I know now that this is routine because of fears of child abuse, but it was upsetting to have them questioning relatives and friends. We wanted to shout: "We didn't do anything. Just find our boy. Look for him."

Somehow, though, we had to go on. After the first week, my husband had to go back to work. He wasn't going to get paid if he didn't, and I thought at least work would keep his mind off things.

My full-time job became looking for Russell. I circulated posters of him, searched for him in schools, went on talk shows. Friends set up a fund to raise money to help me find him. I wrote letters and made countless calls, looking for any lead.

People would call. Just 10 or 20 minutes ago they had seen a little boy who looked just like Russell—tiny, blond hair, big brown eyes. He was boarding a bus with a lady in Niagara Falls 4 miles away. Or they saw him at a shopping mall in Buffalo 10 miles away.

My mother-in-law and I would jump in her car and drive wherever this or that sighting was, hoping that "this is the one this time."

Frustrating events. At least six times, we've thought we were getting close. One lady told police of seeing a boy who looked like Russell with a couple in a white Corvette. "Look what we have here," they told her. But the Corvette was never found.

I became suspicious of friends and other people who had admired Russell. I wondered if people who had already raised their kids had taken him for their own or given him to their children. I'd see total strangers on the street and if they smiled at me, I wondered: "Does he or she know something?" I wondered about kindly strangers who were being too nice to me or who called too often wanting to offer help.

Our hearts still jump each time there is a piece of mail, a knock on the door or the telephone rings. With each disappointment, I cry or pray or start smoking again—pack after pack.

I don't know how our marriage has survived it all. We were told at the start to seek counseling, and we have been visited by a minister. Mainly, it's been Robert and I helping each other. I feared he would blame me, but he hasn't and has encouraged me in all my efforts. Still, he has become withdrawn and refuses to talk about Russell with anyone but me. It's as if no one else could possibly understand what we are going through.

I'm told there's a black market for babies—that healthy white males go for $30,000 or more. If someone does have Russell, our only hope is that it is someone who loves him, but that doesn't stop us from wanting him back. Not even the birth of our daughter in September has changed that. Not knowing where he is, whether he is alive or dead, leaves a terrible hollowness inside that will never be filled.

We've been told we only have a 10 percent chance of finding our child, but I'd be looking if they said it was only 1 percent. Russell, now 4, is a little boy who would come up and say, "I love you, Daddy." Nobody will ever be able to say that just the way he did. We want to hear it again.

MISSING CHILDREN'S ASSISTANCE ACT

THURSDAY, MARCH 8, 1984

U.S. Senate,
Subcommittee on Juvenile Justice,
Committee on the Judiciary,
Washington, DC.

The subcommittee met, pursuant to notice, at 11:29 a.m., in Room SD-226, Dirksen Senate Office Building, Hon. Arlen Specter (chairman of the subcommittee), presiding.

Staff present: Mary L. Westmoreland, chief counsel; and Tracy McGee, chief clerk.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator Specter. Good morning, ladies and gentlemen. We will commence this hearing on the Missing Children's Assistance Act and the aspect of consideration of reauthorization of the Juvenile Justice and Delinquency Prevention Act.

This hearing had been scheduled for some time and, as you already know, had to be modified as a result of the executive session of the Judiciary Committee on the matter of the nomination of Mr. Meese for Attorney General. And we did not know whether we could have the hearing at all, and we had wanted to proceed with it if at all possible. The exec was today instead of Tuesday because we did not finish the confirmation hearings on Mr. Meese.

We had wanted to hear the testimony of Administrator Regnery, and as it has developed that is not possible to do. Senator Metzenbaum asked that Mr. Regnery's testimony be postponed so that Mr. Metzenbaum would have an opportunity to review Mr. Regnery's statement. We needed the same opportunity because we got it last night so we have rescheduled Mr. Regnery for March 21.

We do have witnesses today who are from out of town, so we are going to proceed and hear those witnesses. Our time is limited; therefore, we are going to have to limit this hearing to approximately 30 minutes, but we will do the best we can.

At this time, I would like to call as our first witness, the distinguished district attorney of the city of Philadelphia, the Hon. Edward G. Rendell. It is a special pleasure for me to call District Attorney Rendell because of our longstanding association and friendship.

Mr. Rendell came to the district attorney's office as an assistant district attorney in 1966.

Mr. Rendell. In 1966 as a summer law clerk.

Senator SPECTER. And in 1967 permanently, when I was district attorney. He has had a very distinguished career as district attorney, having been elected in 1977. And besides all those good things, he is a neighbor on Warden Drive in the city of Philadelphia, where he has not availed himself of police protection.

District Attorney Rendell, we welcome you here. We have your comprehensive statement which will be made a part of the record in full. I know it is your style and approach to summarize and hit the highlights, so we look forward to your testimony.

STATEMENT OF HON. EDWARD G. RENDELL, DISTRICT ATTORNEY, CITY OF PHILADELPHIA, PA., AND CHAIRMAN, JUVENILE JUSTICE ADVISORY COMMITTEE, NATIONAL DISTRICT ATTORNEYS ASSOCIATION

Mr. RENDELL. Thank you very much, Senator, and let me say I am pleased to be here and I am here on my own behalf as district attorney of Philadelphia and as chairman of the National District Attorneys Association Juvenile Justice Advisory Committee. That is a committee that is made up of 13 prosecutors from several large jurisdictions, like Phoenix, AZ; Baltimore, MD; Mercer County, NJ; as well as smaller jurisdictions—Pueblo, CO; Klickitat County, WA.

We have been working on this act for the past 1½ years as part of our general operations, and we come with a subcommittee recommendation that the act be reauthorized. We think the act has provided some significant benefits and we believe it should be reauthorized.

But we believe that from our perspective—and I think our perspective is the one that the public holds most closely—from our perspective, the act should only be reauthorized if there are certain basic changes.

As you see from our testimony, we give specific statutory changes—omissions, deletions, and additions to the act in specific sections, and a couple of additional sections. What these changes really do, in my judgment, is make the act, without hurting its original purpose, more responsive to the needs of the law enforcement community and, therefore, to the needs of the public.

Senator, you do not need to be told about the impact of juvenile violence and the growing impact of juvenile violence. According to an INSLAW study, in the years between 1960 and 1975, juvenile violence grew 241 percent. In the city of Philadelphia, for example, in the short time that I have been district attorney from 1977, my first year, until last year, 1983, the number of delinquency petitions that we file for the crime of robbery—probably, the crimes of robbery and burglary are the crimes that affect our citizenry the most in terms of numbers, in terms of what it does to the atmosphere in the streets and to people in their houses——

Senator SPECTER. Was the D.A.'s office doing a better job in Philadelphia when you were chief of homicide?

Mr. RENDELL. Well, during the 6 years that I have been district attorney, the number of robbery petitions has not only doubled; it has increased by 260 percent, from 1,300 petitions in my first year to over 2,900 petitions that we filed last year for the crime of robbery.

Those are crimes where we believe the evidence is strong enough to proceed, not just crimes where juveniles have been arrested for the crime of robbery.

Senator **Specter**. How does that tie into the statistics which we see about reduction in violent crime?

Mr. **Rendell**. I think there is a slight reduction in violent crime overall in the large cities, but within that reduction juveniles are accounting for a greater percentage of the violence in big cities.

On page 2 of our written testimony, I give you statistics that we accumulated last year in a survey we took of the percentage of robberies and burglaries throughout this country in major jurisdictions that are being caused by juveniles.

It is interesting. I read some of the other testimony of some of the other witnesses, and in the Administrator's testimony he talks about causes of juvenile crime. Obviously, those causes are a multitude and different in many ways.

I would attribute the No. 1 cause to the breakdown in American family life that we have seen in the last 20 or 30 years.

Senator **Specter**. You have reviewed Mr. Regnery's testimony?

Mr. **Rendell**. Yes; I have reviewed it, and what I wanted to indicate is that I think his approach is obviously a novel one; it is an approach that we were not expecting to see. I think there is some merit in what he says and I would like to have the opportunity to examine his approach.

I still think we would be better served to reauthorize the act, with the amendments we are suggesting. What the Administrator's testimony essentially says is put all the treatment and rehabilitative and social services aspects of this act in other Federal Departments; leave the law enforcement part of the act.

Frankly, from our judgment, the law enforcement part of the act is very limited. He says leave the law enforcement part of the act in the Office of Justice Assistance, and that will take care of the law enforcement needs and the other Departments will take care of the social service needs.

It is my gut reaction, and I have not discussed it with my committee, that if that happens, frankly, both would get a little bit lost in the shuffle. They would get eaten alive by the other problems—the problems of crime across the board.

I think that reauthorization—and, again, this is my opinion, as our committee has not yet had a chance to study his testimony—but reauthorization should include some of our proposed changes—not only in the basic philosophy of the act, but more importantly, to include those substantive changes which would afford the Administrator more leeway in formula block grants and in some special emphasis grants.

Senator **Specter**. What do you consider to be the most important aspect of reauthorization? What is the most important part of the act as you see it?

Mr. **Rendell**. Well, I think it is hard to single out the most important part of the act, but I would say it is clearly the availability of funds, although they are limited, and far more limited than we as prosecutors and the people in the social service agencies would like to see, but it is important that funds be available to implement creative and effective programs.

For example, Senator, as you know, through LEAA our office, as many of the offices in this country, was able to establish a career criminal unit in our adult court division. It was extremely successful, so successful that when the Federal funding ran out we had no trouble getting our city council to pick up the funding, dollar for dollar.

That was the case with many of the experimental programs that LEAA allowed law enforcement to do. I think that is similarly the benefit of this program. A lot of the funding that this act has allowed has been for programs that did not work. They were experimental programs which did not have an impact, and the Administrator's testimony makes that clear.

But there are programs that we believe, in the social service area, did have a plus, a major beneficial effect. They were experimental in nature and, hopefully, they have been picked up by the State and local funding agencies.

One thing I would quarrel with the Administrator's testimony on is to leave these programs for the States. Well, most States simply do not have that type of money available for those types of experimental programs.

One thing that we have gotten out of OJJDP—is a grant of $300,000 to the district attorney's office of Philadelphia for the prosecution of juvenile habitual offenders. It is a very important grant because it is going to allow us to do certain things with vertical prosecution and the like that we have never had the ability to do.

Senator **Specter**. What will you do with that money?

Mr. **Rendell**. We will set up a special prosecution unit somewhat similar to our career criminal unit in adult court, which will allow us to vertically prosecute the habitual offender—the juvenile recidivist, which is a significant problem.

But one of the defects in that grant is it severely limits how we can deal with that offender. It bars us from using any of the money to certify that offender to adult court. It requires that we use a chunk of that money for a rehabilitative block, and it is not enough money to really do rehabilitation work—money that we could use for prosecution. It is due to the wording of the act.

There are certain things that we are proposing, and if I could just direct your attention very briefly to a couple of the specifics. No. 1, the definition of juveniles that is contained in the act is an outmoded definition because since the act was formulated many States have severely limited their definition in juveniles.

In many States, the definition of juveniles has changed and it is not uniform across the country. The Federal act must be changed to comport with that.

In your definition section, you define serious crimes and leave out the distribution and possession with intent to distribute narcotic drugs and controlled substances. We would like to see that changed.

You also do something which I think is harmful. In section 223, you have a prohibition against sentenced juveniles being housed in youthful offender facilities, such as the State of California has, such as we could use our Camp Hill facility for if that prohibition were removed.

By removing that prohibition, you are actually taking those juveniles and giving them exposure to better programs, more widely funded programs. In Pennsylvania, as you know, Senator, juvenile secure facilities now are in the 20 or 40—bed category—categories limited enough that the wide range of programs available for the juveniles just are not there.

In a 40-bed facility, you cannot have a full complement of educational programs and recreational programs; it is just too expensive. But we could do that in Camp Hill, and ironically Camp Hill houses 15- to 24-year-old offenders. It can house a 15-year-old if we have certified him and that 15-year-old is convicted in adult court. But it cannot house a 15-year-old or a 16-year-old or a 17-year-old who is adjudicated in juvenile court because if we were to do so, we would be ineligible for a lot of the formula grants under the bill.

So, in sum, we would like to see reauthorization, although as I said, I think the Administrator's proposal contains some attractive and sensible ideas. However, we believe if you break this down and shift what this act has done into different departments and agencies, it is going to get lost.

Not only will the social service programs get lost, but even some of the law enforcement programs would get lost. Obviously, the missing persons aspect of the act is excellent. We would like to see the act reauthorized, but reauthorized with some of the suggested changes that we make.

Last example: the State advisory groups which help in the formulation of the allocation grant plans—the State advisory groups, as set up by the act of 1974, require that at least one-fifth of the membership be juveniles, and part of that one-fifth be juveniles who have been through the system; in essence, juvenile offenders.

We do not think that is a bad idea because we think they bring a certain perspective to it. We are suggesting that at least one-fifth of the people who are on those State advisory groups be victims' rights advocates, members of victims' groups throughout the State and throughout the localities.

The 1974 act absolutely ignored the victims of juvenile crime and absolutely ignored public safety. It so concentrated on treatment and rehabilitation that it has hamstrung us in law enforcement to take full advantage of this act.

So we would like to see reauthorization, but with the strong caveat that it contains the changes we suggest, which are not—in my judgment, controversial because they do not mandate expenditure of funds—*x* amount of dollars expended for law enforcement as opposed to social services. They only provide the administrator and the State advisory groups with more leeway than they have ever had before.

Senator SPECTER. Mr. Rendell, as I understand a key part of Mr. Regnery's approach—and as I say, we got it late yesterday afternoon, so I have not had a chance to review it—is to have the administration come under the Justice Assistance Act.

Mr. RENDELL. The law enforcement part of——

Senator SPECTER. You disagree with that?

Mr. RENDELL. First of all, I am not sure that Justice Assistance is going to be fully funded.

Senator **Specter**. I am not sure Justice Assistance is going to be passed.

Mr. **Rendell**. That is right.

Senator **Specter**. But if so, what is your thought?

Mr. **Rendell**. Well, I think if Justice Assistance were fully funded and if it was spelled out in the final version of the act that among the designated and delineated categories that Justice Assistance money could be spent for—was juvenile justice, we could certainly live with that.

But my guess is, when you commingle juvenile programs with other programs, both in law enforcement as well as in social services, there is a tendency for the juvenile system to get the short end of the stick.

Senator **Specter**. Well, some people have expressed a concern that if juvenile justice is not kept as a separate category, it is going to be eliminated in fairly short order; that it is going to be a battle which will be lost as a result of that change in structuring. Do you think so?

Mr. **Rendell**. Well, I think that would depend on how vigilant the Congress was to make sure that the pieces of this act, if this act is essentially gutted, do wind up in some of the social service departments and Cabinet agencies that the administrator's testimony so suggests.

I think the Senate could mandate that a portion of the budget of those agencies is spent on juvenile programs on the treatment and rehabilitative mode. But I think that would depend on the vigilance of the Congress and on congressional oversight.

We would also want to see some congressional oversight in Justice Assistance, if that is where all the juvenile money is going to be, to make sure that juvenile programs are getting a fair share.

From our perspective, when, in Philadelphia, juveniles commit one of two burglaries and one of three robberies, I do not want to see us loce the availability of some Justice Assistance money to be designed for criminal justice programs.

I know you are well aware of that. I recal that up until your term as district attorney the district attorney's office paid little attention to the problem of juvenile crime. You were the first district attorney in the Commonwealth of Pennsylvania to put any sort of emphasis on juvenile crime.

Since the day you took office, since 1966, the problem of juvenile justice has escalated. As I said, that INSLAW study is remarkable.

Senator **Specter**. In direct response to my action. [Laughter.]

Let me shift gears for 1 minute, Mr. Rendell. I know you are familiar with S. 889, legislation which I introduced over a year ago which would direct one percent of the national budget for crimefighting—$8 to $10 billion a year over 10 years for what would essentially be a $100 billion program.

Before the Budget Committee earlier this week, I made a submission on a critical aspect of the program, and that is seeking authorization of $2 billion for the construction of prisons, 25 percent of which would be for Federal prisons and 75 percent would be for State prisons on a 3-to-1 leveraging.

I know you are in favor of that sort of an approach, but it would be useful for the record if you would give me a thumbnail response that I can quote you on to the budget people.

Mr. **Rendell**. Well, first of all, in general—we think S. 889 ought to be passed, and ought to be passed with all deliberate speed. The money that Justice Assistance is allocating to be spent on the Nation's crime problems is minuscule; it is like trying to bring down a whale with a scaling knife.

Senator **Specter**. So you would favor the $2 billion in authorization and expenditures on prisons in the way I have outlined it?

Mr. **Rendell**. Absolutely, especially in the way you have outlined it which requires the States to have the commitment of their own funds. It is not just a Federal windfall; it requires the States who profess interest in doing this to do something themselves.

As you know, we have embarked upon a construction program in Pennsylvania, but by the time those prisons are on line, they will be filled and we could use that help, and we could use that help on a county level. There is hardly a county of our 66 in Pennsylvania that is not facing problems with overcrowding in their local county prisons.

So we think that portion of S. 889 would just be terrific and a very useful expenditure. People always ask me about prison construction and they say, well, what kind of society is it that spends its money on prison construction? My answer to that is a very realistic, pragmatic society.

We have to deal—the Senate, the Congress and prosecutors—with the short-run effects of violent crime which are debilitating to our cities, absolutely crushing.

In the meantime, while we are dealing with that short-run violent effect, none of us quarrel with the fact that there should be significant allocation of our priorities and our funds to go at the underlying root causes.

But to attack the root causes of violent crime, even if we had all the money at hand to do it properly, is a 20- or 30-year proposition. In the meantime, people are getting killed, maimed and raped because we do not have adequate prison facilities to incapacitate violent offenders, and I will add the caveat violent offenders who are adults and violent offenders who are juveniles.

The statistics on juvenile violence are inescapable. We have to do something about the violent juvenile as well as the violent adult.

Senator **Specter**. Mr. Rendell, one final question. The career criminal bill was changed substantially, as I know you are aware, and it is heading for the House now. I intend to pursue the bill in its original form, and I know that were privy to a good bit of the discussion and negotiation on the matter.

One thing that I have not been able to understand about the position of the National District Attorneys Association is their concern for a prosecution to be brought in the Federal court over the objection of the district attorney in the context of the statement of congressional intent, albeit not in the body of the bill, which intent said that the prosecution should not be brought without the concurrence of the local prosecutor.

What is the basis for that concern?

Mr. **Rendell**. I will answer the question, but can I say on a personal note that I spoke to several Senators and I told them that the amendment that was your own amendment to the bill on the floor was, as far as I was concerned as district attorney of Philadelphia, not only workable, but provided us with a separate advantage, so that if we went to trial and lost a motion to suppress evidence in the State courts, we could have just picked up the phone and said, OK, Federal prosecutor, go to it.

As you know, the admissibility of that evidence could be relitigated in Federal court. So I thought not only was your bill workable and livable, but I thought your amendment actually had an advantage to it.

I could not convince my colleagues of that in a short time. If your amendment had more time to be discussed, I think we might have been able to make some headway.

But I think in answer to your question, it comes from a long-rooted, almost historical view that local prosecutors and State prosecutors have had of distrust of the Federal prosecutors; that despite some efforts by the Justice Department in the last several years to cooperate, it is a one-way street; that cooperation means the Federal prosecutors taking from us and never giving anything back.

I think it comes from that distrust, that rivalry, that belief that the Federal prosecutors will take the meat and literally leave us with the bones.

Senator **Specter**. But is there a thought that a Federal judge would allow a prosecution to go forward in the face of that statement of congressional intent not to have the prosecution without the agreement of the local D.A.?

Mr. **Rendell**. It was our belief that congressional intent not being black-letter law would not be sufficient to protect our interests. I would agree with you if you said in 100 cases, the Federal judge would not allow that prosecution to go forward in 98 of them.

But I think given that historical mistrust that has been built up, it is very difficult to convince our colleagues. Frankly, in some jurisdictions I think there is good reason for that mistrust.

For example, Senator, you know that several years ago the U.S. attorneys' offices in many jurisdictions, including Philadelphia, announced that they were no longer going to try white-collar crimes under a certain level of loss—under, let us say, $5,000.

Of course, the banks and the financial institutions came to us and said, well, you have got to pick up these cases. Obviously, we did have to pick them up. We are not going to allow a situation where people know that if they embezzle $4,999, they are not going to get prosecuted.

We picked them up, but the attitude across the country was, again, Federal prosecutors taking the best part and leaving cases which are not as significant and where we cannot achieve the best results.

I think you are fighting that longstanding, historical mistrust between State and local prosecutors, which ought to be broken down.

Senator **Specter**. I can see your concern about the Federal prosecutors leaving you the dregs. I just cannot see your concern that a judge would permit them to bring a prosecution under the Career Criminal Act in the face of a D.A.'s objection to it.

Mr. **Rendell**. Well, you have to understand that, again, we face on almost a daily basis Federal judges, in our judgment, interceding into perfectly proper, appropriate, due process State proceedings. A Federal magistrate can reverse a decision of the Pennsylvania Supreme Court.

Senator **Specter**. Well, I guess I just need some more experience as a district attorney.

Mr. Rendell, it is a great pleasure to have you here. We could go on indefinitely. We will continue this dialog on the sidewalk of Warden Drive one day soon.

Mr. **Rendell**. Thank you very much, Senator.

[The prepared statement of Mr. Rendell follows:]

PREPARED STATEMENT OF EDWARD G. RENDELL

Initially, we would like to express our thanks to Senator Specter and this sub-committee for extending to us the invitation to testify and present our views on this very important issue. For the past two years the National District Attorneys Association has had an active Juvenile Justice Advisory Committee which has examined the national issue of juvenile crime in general and the alarming increase in juvenile violence in specific. Our Committee believes that it is vitally important that the Juvenile Justice and Delinquency Prevention Act of 1974 be re-authorized. The existence of the Act is recognition that juvenile justice, though handled on the state and local levels, is a national concern, and that it is appropriate and, indeed, necessary that the federal government play a major role in it. The Advisory Committee believes every bit as strongly, however, that the Act must be amended in some important respects to give both recognition to the growing problem of juvenile violence and to allow the Office of Juvenile Justice and Delinquency Prevention to expend funds on programs that will help deal with this problem and protect the public safety.

The growing problem of juvenile violence can simply not be understated. Recent FBI statistics indicate that juveniles are committing 50% of all of the serious crimes committed in this nation. According to a recent Inslaw study, the rate of juvenile violence has been increasing at a shoc[illegible] level. Between 1960 and 1975 the rate of arrests for violent juvenile crime rose an unbelievable 241% (in contrast to 165% increase for arrests for property crimes). In several major jurisdictions across this country the rate of juvenile violence has reached epidemic proportions. In many jurisdictions, juveniles account for more than one out of every two burglaries committed (Minneapolis - 58%, Seattle - 58%, Joliet, Illinois - 60%, Santa Barbara, California - 50%, Contra Costa, California - 60%, San Jose, California - 50%, Philadelphia, Pennsylvania - 51%, Berks County, Pennsylvania - 50%, Ocean County, New Jersey - 60%, Baltimore, Maryland - 48%, San Diego - 47%) and over one out of every three robberies as well (San Jose - 32%, Seattle - 44%, Oakland County, Michigan - 32%, Baltimore - 44%, Philadelphia -32%). Percentages for rape and aggravated assault in most jurisdictions are over 25% as well. These figures are absolutely staggering when you realize that in the past decade many states.which include our major jurisdictions, have significantly reduced the age level for the definition of what is a juvenile. The consequences of these figures are even more devastating as well when you realize that over 2/3 of all serious crime in this country is committed by individuals between the ages of 15 - 20 years. So it's clear that our failure to deal effectively with the violent juvenile creates consistent threats to public safety even if that juvenile passes into the "adult" category.

Our Committee believes, therefore, that Congress should take recognition of this problem and amend the Act as it re-authorizes it. Our rationale for this request is based on three premises:

1. that the Act has failed to give proper attention to the fact that the public is entitled to be protected from juvenile crime, and is seriously endangered by the serious and recidivist juvenile offender;
2. that in many cases, the traditional treatment/rehabilitative approach to dealing with juvenile offenders -- the approach that dominates the philosophy of the Juvenile Justice and Delinquency Prevention Act in its present form and thus directs federal activities in the juvenile justice field -- does not work and cannot be expected to work; and
3. that while it may be appropriate to keep trying that approach with respect to some juvenile offenders, it is simply too dangerous to the public to place primary reliance on it in dealing with serious and recidivist juvenile offenders; with respect to at least this class of juvenile offender, the safety of the public must be placed above "the best interest of the juvenile" and the federal government should assist those States and local governmental agencies that are attempting to do so.

To carry out these changes in both the philosophy and substance of the Act, we believe that our most crucial recommendations deal with enlarging the categories of programs and projects for which federal juvenile justice money may be spent:

1. Law Enforcement Activities: The juvenile justice system is a criminal justice system for lawbreakers of certain ages, and must be able to respond to serious and recidivist juvenile

offenders as the adult criminal justice system responds to serious and recidivist adult offenders. Thus, proposed changes to Section 223(a)(10) of the Act would allow a State to allocate some of its "formula grant" money to the "identification, apprehension, prosecution, adjudication, disposition, and post-dispositional control" of serious and recidivist juvenile offenders -- to pure "law enforcement" functions. Proposed new subsection (13) to Section 224(a) would allow the Administrator of the Office of Juvenile Justice to make discretionary "special emphasis" grants for the same purposes.

2. Construction of Secure Juvenile Facilities: The lack of secure facilities for the pre-trial detention and post-adjudication confinement of those juveniles who, for the sake of the public safety, must be securely held, has long been a problem for the States. The problem is about to become most acute as the December 8, 1985 deadline imposed by Section 223(a)(14) of the Act for the "removal" of all juveniles from jails and lockups for adults becomes increasingly imminent.

There is no question that the practice of holding juveniles in adult facilities is undesirable. Under the impetus of the Juvenile Justice and Delinquency Prevention Act, the States have made extraordinary and praiseworthy progress in developing non-secure alternatives to adult jails and lockups. The result has been that most juveniles who formerly unnecessarily would have been held in adult facilities are not now being so held. But even the most ardent advocates of the removal of juveniles from adult jails agree that some juveniles simply cannot be removed to non-secure alternative facilities, and must continue to be held securely.

Many States, long dependent on the use of adult jails for the holding of this class of juvenile, have no alternate secure facilities to which to "remove" them. If Congress determines that the removal mandate of the Act must be retained, these States will have to build new, exclusively juvenile facilities. With the

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costs of capital construction so high, and with the need for it made especially acute by the clearly high-minded policy mandates of the federal government, it is only fair, as well as clearly necessary, for the federal government to lend financial assistance to the States for this purpose.

We note that federal assistance in dealing with the serious and repetitive juvenile offender, including funding for the construction of secure juvenile facilities, might be forthcoming as a result of the Justice Assistance Act which passed the Senate as part of the Comprehensive Crime Control Act (S.1762). However, the House version of the bill, H.R. 2175, which has already passed the entire House of Representatives, does not allow for the expenditure of federal funds for construction of criminal justice facilities, either adult or juvenile. It is also unclear as to whether the Justice Assistance Act Provision of S.1762 will survive the House Judiciary Committee. For these reasons, it is appropriate and probably necessary that the major federal Act concerning juvenile justice should include provisions for the protection of the public from juvenile crime and for the construction of facilities necessary to that end. These are issues which are as much a concern to the public as any of the others addressed in the Juvenile Justice and Delinquency Prevention Act.

The Committee acknowledges the usefulness and importance of the many juvenile crime prevention, diversion, and rehabilitation aims and programs undertaken in the past by the federal government as a result of the Act, and would leave virtually untouched those portions of the Act which provide for them. We suggest, however, that the vitally important aspect of "juvenile justice and delinquency prevention" has been overlooked in the Act, and that it is incumbent upon the Congress to not overlook it again.

Discussion Concerning Proposed Changes in the Act:

1. Section 101(a) The Congress hereby finds that--

(1) juveniles account for almost half the arrests for serious crimes in the United States today; and a relatively small number of juveniles account for a disproportionately large number of all juvenile arrests for serious crimes;

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(2) understaffed, (overcrowded) overburdoned juvenile courts, prosecutors' offices, probation services, and correctional facilities are often not able (to provide individualized justice or effective help) either to help juveniles turn away from the commission of serious and repeated crimes or to protect the public from the commission of such crimes by juveniles;

* * *

(5) juvenile delinquency can be prevented though programs designed to keep students in elementary and secondary schools through the prevention of (unwarranted and arbitrary suspensions and expulsions) truancy;

* * *

(8) the (juvenile) justice system should give (additional) primary attention to the problem of (juveniles who commit serious crimes) serious and recidivist juvenile crime, with particular attention given to the (areas of sentencing, providing resources for informed dispositions, and rehabilitation) identification, apprehension, prosecution, adjudication, disposition, and post-dispositional control of juveniles who commit serious or repeated crimes and to the protection of the public from such juveniles.

Discussion: The proposed new clause in subsection (1) of Section 101(a) reflects recent social scientific research findings by Dr. Marvin Wolfgang of the University of Pennsylvania and others (supported largely by grants awarded under the Juvenile Justice and Delinquency Prevention Act) that a much smaller portion of all juvenile offenders is responsible for a much greater proportion of all serious juvenile crime than was ever thought before. The Committee has always held that, as the proposed change to subsection (8) indicates, the most important issue in juvenile justice is how to deal effectively with this relatively small group of serious and repetitive juvenile offenders. The proposed changes to subsection (2) reflect the unpleasant but undeniable fact that the juvenile justice system, traditionally oriented toward trying to rehabilitate the juvenile offender, has far too often failed, that in many cases (though certainly not all) the juvenile has not been rehabilitated, but has continued to make victims of innocent citizens. Thus, as the proposed changes to subsections (2) and (8) suggest, the juvenile justice system must accept that not all juveniles can be rehabilitated, and that while it need not necessarily abandon all efforts at rehabilitating all juveniles, its primary posture with respect to at least that small proportion of juvenile offenders who commit the majority of serious and repeat crimes must be that of a criminal justice system.

A proposed change to another section of the Act, Section 103 should be noted at this point. We propose that subsection (15) of this definitions section be changed as follows:

> (15) the term "treatment" includes, but is not limited to medical, special education, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to encourage juveniles to become accountable for their actions and to protect the public, by including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or non-addictive drugs or by controlling their dependence and susceptibility to addiction or use.

The Committee believes that perhaps the most important part of the rehabilitation of any criminal offender, adult or juvenile, serious or minor, recidivist or first-time, is the offender's coming to accept that he or she is accountable for his or her actions. The concept of accountability has noticeably been lacking in descriptions of what rehabilitation is about and from rehabilitative treatment programs themselves. The proposed change in the subsection's definition of "treatment" so as to include this notion, and the inclusion of an accountability component in any treatment program implemented pursuant to the Act, is seen by the Committee as absolutely essential if the concept of rehabilitation is to have real meaning.

The Advisory Committee proposes one additional change in Section 102(a), to subsection (5). Although the concept of keeping juveniles in school as a method of delinquency prevention is a sound one, the premise upon which this subsection is based is factually doubtful.

* * *

2. Section 102. (a) It is the purpose of this Act, where consistent with the safety and protection of the public--

   * * *

   (6) to assist State and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent (unwarranted and arbitrary suspensions and expulsions) truancy;

(7) ...; (and)

(8) ...., and

(9) to assist State and local governments in protecting the public from juveniles who commit serious or repeated crimes.

Discussion: The rationale for the proposed change to subsection (6) is the same as that for subsection (5) of Section 101(a). The technical changes to subsection (7) and (8) are intended simply to allow for proposed new subsection (9).

The new subsection simply makes explicit, as a purpose of the Act, the idea that the federal government should help State and local governments protect the public from serious and recidivist juvenile crime. The proposed addition to the first sentence of the Section 102(a) is in line with this notion: that whatever the federal government does in the field of juvenile justice, it must do so only in accord with the interest of the citizens of this country in not becoming victims of juvenile crime.

* * *

3. Section 102. (b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency, including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles other than those juveniles who are charged with or adjudicated of having committed serious or repeat crimes from the traditional juvenile justice system, (and) to provide critically needed alternatives to institutionalization for juveniles not charged with or adjudicated of having committed serious or repeat crimes, and to develop and implement effective institutional and non-institutional control and treatment programs for juveniles who have been adjudicated of having committed serious or repeat crimes; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective (juvenile justice) delinquency prevention and rehabilitation programs, to establish effective secure detention and correctional facilities for the detention, confinement, treatment and control of juveniles charged

with or adjudicated of having committed serious or repeat crimes and/or juveniles alleged or found to have committed offenses which constitute violations of valid court orders, and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

Discussion: The first proposed addition to this subsection indicates the view of the Committee that that class of juveniles who commit serious or repeat crimes ought not to be diverted from the juvenile justice system, but processed through that system. This is in line with the Committee's view on accountability as discussed above. There is rehabilitative value to a juvenile's being called to account, before a court of law, for committing a crime, particularly when the crime is a serious one, or when the offender has previously experienced the benefits of the juvenile justice system. The Committee believes that diversion programs can be extremely valuable to the proper and efficient functioning of a juvenile court system; the proposed change under discussion is simply intended to prevent the concept of diversion from extending its reach further than it ought properly to be.

The second proposed change to Section 102(b) reflects our belief that alternatives to institutionalization, while appropriate for non-serious and non-recidivist offenders, and absolutely essential for the proper functioning of a juvenile court system, are not necessarily appropriate for all offenders. The primary current need of the States with respect to serious and recidivist juvenile offenders is for secure facilities. Hence, the third proposed change to Section 102(b) is that one of the purposes of the Act shall be to help the States establish such facilities.

Under the third proposed change and related proposed changes in Sections 221, 223(a) and 224(a), discussed below, an additional class of juveniles could be held in secure juvenile facilities constructed under this Act: those juveniles alleged or found to have committed an offense which constitutes a violation of a valid court order. Present Section 223(a)(12) and OJJDP regulations promulgated pursuant thereto except this class of juvenile from the general mandate of the Act for deinstitutionalization of status offenders. This policy is necessary to support the inherent power of a court to enforce its orders and to deal with the handful of juveniles who chronically run away from non-secure placements.

* * *

4. Section 103. For purposes of this Act--

* * *

(14) the term "serious crime" means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, (and) arson punishable as a felony, and the distribution of or possession with intent to distribute narcotic or addictive drugs;

(15) (see page 4)

(16) the term "juvenile" means all persons who are subject to the exercise of juvenile court jurisdiction for purposes of adjudication and/or treatment based on age and offense limitations as established by the applicable State law and does not include any persons of whatever age who are subject to the exercise of the jurisdiction of the criminal courts of the State.

Discussion: The inclusion of distribution of or possession with intent to distribute narcotic or addictive drugs in subsection (14) in Section 103 reflects the view of the Committee that these offenses are as "serious" as virtually any other presently listed in the subsection, and should be treated as such. The new subsection (16) is intended to make explicit in the Act what the legislative history of the Act indicates: that the States are free to define "juvenile" as they see fit, and that the Act shall not apply with respect to any person of whatever age not being treated by the State in question as a juvenile.

5. Section 204(a) The Administrator shall implement overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, control, accountability, training treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States....

Discussion: The proposed addition of "accountability" in the above section reflects the Committee's above-discussed position on the issue of juveniles being held, and holding themselves, accountable for their actions. The proposed addition of "control" indicates the belief that the deterrence of serious and recidivist juvenile offenders, is absolutely a pertinent consideration for anyone concerned with juvenile justice, including the federal government.

* * *

6. Section 221. The Administrator is authorized to make grants ... for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile justice, for the development and implementation of more effective programs and activities in the areas of the identification, apprehension, prosecution, adjudication, disposition, and post-dispositional control of juvenile offenders, for the construction of secure detention facilities and secure correctional facilities exclusively for the detention or confinement of juveniles charged with or adjudicated of having committed serious or repeat crimes and/or of juveniles alleged or found to have committed offenses which constitute violations of valid court orders, and programs to improve the juvenile justice system.

Section 223(a)

(10) provide that not less than 75 per centum of the funds available to such state under section 222, ... shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles other than those juveniles who are charged with or adjudicated of having committed serious or repeat crimes from the juvenile justice system, to provide community-based alternatives to confinement in secure detention facilities and secure correctional facilities; to encourage a diversity of alternatives within the juvenile justice system, to establish and adopt juvenile justice standards, (and) to provide programs (for juveniles who have committed serious crimes, particularly programs) which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective treatment and rehabilitation of juveniles, and to provide programs which are designed to improve the identification, apprehension, prosecution, adjudication, disposition, and post-dispositional control of juvenile offenders, except that any funds made available under section

222 may be used for the construction of secure detention facilities or secure correctional facilities exclusively for the detention or confinement of juveniles charged with or adjudicated of having committed serious or repeat crimes and/or juveniles alleged or found to have committed offenses which constitute violations of valid court orders. These advanced techniques include--

* * *

(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to--

(i) remove juveniles from jails and lockups for adults;

(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice;

(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State; (or)

(iv) increase the use of non-secure community-based facilities and discourage the use of secure incarceration and detention for juveniles who are not charged with or adjudicated of having committed serious or repeat crimes; or

(v) construct and facilitate the use of secure detention facilities and secure correctional facilities exclusively for the detention or confinement of juveniles charged with or adjudicated of having committed serious or repeat crimes and/or juveniles alleged or found to have committed offenses which constitute violations of valid court orders.

* * *

(I) ... (and)

* * *

(K) projects designed to promote the use of restitution and/or community service as a pretrial or dispositional alternative;

(L) programs designed to reduce the commission of crimes in schools, on school property, and on means of transportation to and from schools; and

(M) juvenile "career criminal" programs utilizing vertical prosecution, coordination among various State, local and federal law enforcement and other public or private agencies and organizations, or other methods designed to focus resources on the effective identification, apprehension, prosecution, adjudication, disposition, and post-dispositional control of juveniles alleged to have committed or adjudicated of having committed serious or repeat offenses.

Section 227. (a) Funds paid pursuant to this title to any public or private agency, organization, institution, or individual (whether directly or through a State planning agency) may be used for--

(1) planning, developing, or operating the program designed to carry out the purposes of this part; (and)

(2) not more than 50 per centum of the cost of the construction of innovative community-based facilities for less than twenty persons which, in the judgment of the Administrator, are necessary for carrying out the purposes of this part; or

(3) not more than 50 per centum of the cost of the construction of secure detention facilities or secure correctional facilities which, in the judgment of the Administrator, are necessary for carrying out the purposes of this part.

(b) Except as provided by subsection (a), no funds paid to any public or private agency, institution, or individual under this part (whether directly or through a State agency or local agency) may be used for construction.

Discussion: Sections 221 and 223(a) are both concerned with the allocation of federal juvenile justice monies to the States under the "Formula Grants" section of the Act, the major source of federal juvenile justice assistance to the States. Section 221 authorizes the Administrator of the Office of Juvenile Justice and Delinquency Prevention to approve State plans for expending formula grant funds, and delimits the kinds of such activites and programs. Section 223 sets forth requirements for the preparation and contents of State plans, the kinds of activities and programs State plans may include, and the restrictions imposed on any States which desire to apply for formula grants. One notable restriction is that of subsection (a)(14) of Section 223, that by December 8, 1985, "no juvenile shall be detained or confined in any jail or lockup for adults, ...;".

The most important effect of the proposed changes to Sections 221 and 223(a)(10) would be to authorize the expenditure of formula grant money for "law enforcement" type programs intended to focus resources particularly on serious and recidivist juvenile offenders, and for the construction of secure detention and correctional facilities for the detention or confinement of these classes of offenders and of those juveniles alleged or found to have committed crimes which constitute violations of valid court orders.

Construction: Under the proposed changes, no State would be required to spend any portion of its formula grant allocation for the construction of any facilities; rather, a State would simply be permitted to do so. At the present time, the Act does not permit a State to make this choice. The States thus are barred from any federal assistance under the formula grants program in addressing what is -- or is about to become -- for many States their most urgent juvenile justice and delinquency prevention problem.

The proposed change to Section 227 removes the bar against the use of federal assistance under the Act for construction of secure juvenile facilities. It also makes it relatively difficult for federal monies to be authorized for this purpose. Federal assistance may constitute only one-half the cost of construction projects under the Act; thus a State wishing to build will still have to spend substantial monies of its own in order to do so. It will also have to comply with the requirement of Section 223(a)(20) of the Act that federal funds used for construction (or for any other purposes) not be used to supplant or replace State, local, or other non-Federal funds which otherwise might have been made available. Also, a construction project under the Act must be determined by the Administrator to be "necessary for carrying out the purposes" of the Act. In order to comply with the removal requirements of Section 223(a)(14) for example, it will be necessary for a State to show that total removal will in fact require additional secure juvenile bedspace for juveniles charged with having committed serious or repeat offenses. Likewise, should a State apply for funds to build a secure correctional facility for juveniles, it will have to show that such a facility is necessary to carry out the purposes of the Act as listed in Section 102 (including proposed new subsection (9) of Section 102, "to assist State and local governments in protecting the public from juveniles who commit serious or repeated crimes").

Programs for Serious and Repeat Offenders: Under the proposed change to Section 223(a)(10), a portion of the 75% of a State's formula grant allocation must

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be spent on "advanced techniques" concerning the law enforcement type functions discussed in the introductory remarks in this statement, on page I. This proposal is simple recognition of the fact that these functions are as important to the juvenile justice system as prevention, diversion, and treatment, and yet the Act has not previously provided for them.

Proposed new subsection (M) to Section 223(a)(10) provides an example of an "advanced technique" of the kind discussed above. Proposed new subsections (K) and (L) are two additional categories of "advanced techniques" which seemed quite important to the Committee but which are not provided for in the Act at present.

The proposed changes to Sections 223(a)(10) and 223(a)(10)(H)(iv) are based on the Advisory Committee's belief, discussed on page 10, that diversion from the juvenile justice system is not always appropriate for juveniles charged with or adjudicated of having committed serious or repeat crimes, and that such juveniles are usually not properly detained in non-secure facilities.

* * *

7. Section 223(a)(3):

This section provides for the creation of a "state advisory group" to assist in the preparation of the State plan for expenditure of the State's formula grant allocation. The plan itself is to provide for the "SAG":

> (3) [The plan shall] provide for an advisory group appointed by the chief executive of the State to carry out the functions specified in subparagraph (F) and to participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action and (A) which shall consist of not less than 15 and not more than 33 persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile justice, ... (E) at least one-fifth of whose members shall be under the age of 24 at the time of appointment, and at least 3 of whose members shall have been or shall currently be under the jurisdiction of the juvenile justice system; (and) (F) at least one-fifth of whose members shall be persons actively involved in the protections of victims' rights or in providing direct services to victims of juvenile crime; and (G) which (i) shall ...

Discussion: We are of the opinion that if one-fifth of a State advisory group is to be composed of juveniles who are or who have recently been under the jurisdiction of the juvenile court, it is only fair that another one-fifth of the members of the group be persons representing the interests of the most neglected and yet most important party to the juvenile justice system, victims of juvenile crime.

* * *

8. Section 223(a):

(13) [The plan shall] provide that juveniles alleged to be or found delinquent and youths within the purview of paragraph (12) [status offenders] shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges, except that this subsection shall not apply to those juveniles adjudicated of a serious offense or of a repeat offense and confined in a young adult offender correctional institution which provides treatment components consistent with the intent of this Act and is restricted to offenders between the ages of 14 and 25 years.

Discussion: The Advisory Committee does not wish to interfere with the mandates of the Act for deinstitutionalization of all status offenders, and for the removal of all juveniles from adult jails and lockups, whether before trial or after. The proposed change to subsection (13) of Section 223(a) is intended only to recognize the right of such States as California to confine their most serious juvenile offenders, pursuant to a post-trial disposition, to mixed juvenile/young adult offender correctional institutions. Such institutions may well benefit the juvenile offenders confined therein more than a purely juvenile institution would, in that augmented vocational, training, and other benefits may be available; and the use of such facilities may be part of a well-considered, statewide plan not to mix, for example, 17 year old offenders and 14 year old offenders in the same juvenile correctional institution. In any event, a State should have the right to determine how to deal with its juvenile criminal population, and young adult offender institutions are not properly considered adult correctional institutions in the sense contemplated by subsection (13) of Section 223(a) in its present form.

* * *

Section 224(a) The Administrator is authorized to make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to--

* * *

(3) develop and implement effective means of diverting juveniles other than those juveniles charged with or adjudicated of having committed serious or repeat crimes from the traditional juvenile justice and correctional system, ...

(5) develop statewide programs through the use of subsidies or other financial incentives designed to--

(A) remove juveniles from jails and lockups for adults;

(B) establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;

(C) replicate juvenile justice programs designated as exemplary by the National Institute of Justice; or

(D) construct and facilitate the use of secure detention facilities or secure correctional facilities exclusively for the detention or confinement of juveniles charged with or adjudicated of having committed serious or repeat crimes and/or of juveniles alleged or found to have committed offenses which constitute violations of valid court orders.

(12) develop and implement special emphasis prevention and treatment programs relating to juveniles who commit serious or repeat crimes(.);

(13) develop and implement programs designed to improve the identification, apprehension, prosecution, adjudication, disposition, or post-dispositional control of juveniles alleged to have committed or adjudicated of having committed serious or repeat crimes; and

(14) construct and facilitate the use of secure detention facilities and secure correctional facilities exclusively for the detention or confinement of juveniles charged with or adjudicated of having committed serious or repeat crimes and/or of juveniles alleged or found to have committed offenses which constitute violations of valid court orders.

Discussion: The above-described proposed changes to Section 224, which create the "special emphasis" grants program administered by the Administrator of OJJDP, parallel proposed changes to Section 223 (concerning formula grants) discussed above. Subsection (3): diversion is not an appropriate disposition of a case involving a serious or repeat crime; subsections (5)(D) and (14): the Administrator should have the discretion to award grants for construction of secure juvenile facilities, under the stringent requirements of proposed new Section 227(a)(3); and subsection (13): special emphasis grants should be available for programs and projects involving "law enforcement" functions in the juvenile justice system.

Senator SPECTER. Thank you very much for coming.

I would like now to call Mr. Lyonel F. Norris. Mr. Norris, we very much appreciate your being here. We have your prepared statement; we thank you for submitting it to us and we look forward to your testimony.

STATEMENT OF LYONEL F. NORRIS, MINNEAPOLIS, MN

Mr. NORRIS. Thank you for inviting me to address this committee, Senator. The first thing I would like to touch on before I get into anything substantive is I would like to direct your attention to page 9 of the administrator's statement, wherein the administrator alludes to the fact that the runaway youth bill has allowed—and I think he uses the words, the effect of the JJDP Act on runaway youth has been to effectively emancipate them or to allow those who would leave home a free hand.

I would contend that this statement is a gross misstatement of fact. Some 12 years ago, I was a runaway and I turned to law enforcement agencies, which apparently the Administrator believes will provide troubled youth with services and assistance.

I was returned home with not so much as a question as to why I had left home. I do not quite understand how that fits into his overall statement, but it troubles me to think that some 12 years after the Runaway Youth Act was passed, the Administrator is now taking the position that law enforcement can, in fact, do what they have never been able to do, which is to service children and to provide aid and assistance while they are away from home.

He further goes on to make an argument for detaining status offenders in secure facilities. When I was 16 and on the street, detaining in a secure facility meant to me going to jail, whatever it was called. And I would submit to this committee that this is even more true than it was then.

Senator SPECTER. Some 12 years ago, you testified before the Senate when you were 17 on the original legislation pre-dating the Runaway and Homeless Youth Act. Would you briefly describe for us today what your personal experience had been prior to that time?

When did you first run away from home, Mr. Norris?

Mr. **Norris**. I left home at 14 for 2 days, 36 to 48 hours.

Senator **Specter**. How many times did you run away from home?

Mr. **Norris**. Three.

Senator **Specter**. And what led you to do that?

Mr. **Norris**. The situation at home was virtually unlivable. By that I mean there was a consistent pattern of psychological and physical abuse. I would attribute it essentially to a lack of caring, not so much to sterness on the part of parents.

I have no problem with some discipline. The degree of discipline is what the essential problem was at my home. In addition, there is a need on the part of adolescents to go out and learn things on their own. I never had that opportunity until I left home.

Senator **Specter**. How did you support yourself at the age of 14?

Mr. **Norris**. You do a lot of hustling, whatever it takes. I personally was involved in some minor thefts.

Senator **Specter**. Were you arrested and prosecuted?

Mr. **Norris**. No. I was never caught.

Senator **Specter**. When and how did you learn of the D.C. runaway house?

Mr. **Norris**. There was at that time, I guess you would call it a newspaper called the Quicksilver Times, and in rummaging through some old trash cans I came across a copy of it. It looked interesting and I looked in the classifieds, I believe, and there was a rather large-print ad.

Senator **Specter**. What effect did participation in the runaway youth program have on your later life?

Mr. **Norris**. I could keep you here all day telling you that effect.

Senator **Specter**. Oh, no, you cannot. [Laughter.]

Mr. **Norris**. I was in a runaway house proper for about a month, give or take a few days, and in that initial period it was impressed upon me that life on the street was both short and very difficult.

At that time, it seems in retrospect that I was given the opportunity to make some choices about how I wanted to live, whether I wanted to stay on the street or whether I wanted to do something else. I would say that that was a critical period.

But my experience in the runaway youth program was extended far beyond that month. I was involved with the program for some 2½ years, and in those 2½ years the impact was ultimately to change me completely.

Life on the street is very difficult. What I do now is just as difficult and it is far more lucrative.

Senator **Specter**. What is your occupation?

Mr. **Norris**. I am a law clerk for the Honorable Michael J. Davis in——

Senator **Specter**. You are a lawyer?

Mr. **Norris**. Yes.

Senator **Specter**. When did you graduate from law school?

Mr. **Norris**. In 1983, University of Minnesota.

Senator **Specter**. And was the opportunity accorded you through the facilities of the runaway program very instrumental in restructuring your life?

Mr. **Norris**. The suggestion that I might perhaps be able to go to college came directly from Runaway House. During those years that I was in college and before college, jobs were made available to me. Resources that I would not otherwise have had available to me were made possible; opportunities were made possible during that period.

I would think that that is the most important aspect of my experience during my stay in the streets, so to speak.

Senator SPECTER. And your brother and sister stayed home?

Mr. NORRIS. My brother had gone before I did. My brother, at last report, was residing in the Lorton Reformatory. Of course, he did not have the opportunity that I had to slow down.

My sister stayed home until she was 14 and she is now a resident of the North Carolina State Prison for Women.

Senator SPECTER. So your brother and sister are both in jail?

Mr. NORRIS. Yes.

Senator SPECTER. And you have made a life for yourself and a success of yourself?

Mr. NORRIS. I think so.

Senator SPECTER. And to what extent do you credit the runaway services in the difference in your life from that of your siblings?

Mr. NORRIS. The difference between my life and that of my siblings is stark, as is the difference between the systems of juvenile justice that they entered. They entered into the traditional juvenile justice system. I never entered that system. Therefore, I never had the opportunity to remain in that system as they did.

They went in at 14 or 15 and never came out. I never went in; never will go in.

Senator SPECTER. Well, we very much appreciate your being here, Mr. Norris, coming from Minneapolis. Your full statement will be included in the record.

[The prepared statement of Mr. Norris follows:]

PREPARED STATEMENT OF LYONEL F. NORRIS

Some twelve years ago, I offered to this committee testimony in support of "The Runaway Youth Act". That legislation offered assistance to me and thousands of people like me who found themselves away from home, alone, and without hope. When the help of that legislation, hundreds of caring people were able to interject themselves into our lives and for a great many of us, those people made a difference. There is no accurate measure of that difference, for there is no measure of the effectiveness of concern.

I knocked on the door of Washington's Runaway House in the Spring of 1970 after two weeks of aimless wandering throughout the eastern seabcard. I had left home with no clear idea of where I was going or how I would support myself when I got there. I was sixteen years old and I had $33.00 in hand when I left home. It was my third and longest run. If I had no idea of where I was going, I was sure that wherever it was had to be a better place than where I was coming from. Runaway House was a fortuitous stop for me and it proved to be my last stop. I was lucky.

I was involved with Runaway House and it's satellite community for two and one-half years. During those years, I learned to value myself and the lives of those around me. At Runaway House I met people that I could trust and whom I am proud to count as friends today. Runaway House was, for me, far more than simply a place to stay; it was a home, a place of warmth, concern and shelter from the vagaries of life on the street. It was a place that welcomed the youthful traveler with no questions and few demands.

When the Runaway Youth Act was enacted, there were programs serving runaways throughout the nation. Some were better than others; some more concerned about the children than others. But they shared a concern with the danger inherent in being a juvenile on the street. There are fewer programs for runaway youth now and more individuals are willing to exploit children. Let there be no mistake about one thing: runaway children are vulnerable to anyone who is willing to provide safe shelter. Runaways cannot go to the police or other authorities when they are in danger for fear of being revealed; there is, in reality, no place for them to turn for help, save the safe harbors of these runaway youth programs. In that lies the importance of this legislation.

I owe a great deal to the creators and staff of Runaway House. In my 2½ year involvement with that program, I was given the opportunity to define realistic goals for my life; I was shown that there were alternatives to life on the streets and I learned that my life was valuable, not a thing to be wasted in the uncertainties and dangers of street life. Of course, these lessons were not magically bestowed upon me when I entered Runaway House. They were the result of years of interest and concern on the part of the various staff members and associates of Runaway House. The people that extended the helping hand on that day in May of 1970 continued, at each junction in my life, to extend that hand. They understood, as I understand, that ongoing help is a necessary prerequisite to coping with those problems that instigated the flight. Runaway House was a beginning for me and that ongoing care and concern allowed me the opportunity to change my life.

Since I left the Washington area and the Runaway House community, I have completed college and law school. I now make my home in the great state of Minnesota, Star of the North. I plan to enter a doctoral program in history in the fall. When I left home, I never expected to complete high school, much less college. It is abundantly clear to me that if Runaway House had not been there, I would not be here.

This legislation merits every consideration of this committee and of the Congress in its entirety. The children on the streets of this nation deserve this bill as well as their parents. In a time of budget deficits and governmental retrenchment, short term savings are often appealing for the results are quickly obtained and easily seen. This committee, however, must consider the long-term impact of this legislation and lives should not be measured by annual budgets.

My presence here is some indication of what can be accomplished by the reauthorization of this bill. I was given a chance to remake my life and I think that the runaway youth of today deserve no less.

Senator SPECTER. Your story is certainly a success story. It gives us all encouragement that the efforts we are making under the Runaway Youth Act are important. It is great to see you dapper here today and a law school graduate and, obviously, projecting well and speaking well, with a bright professional career ahead of you.

Mr. NORRIS. Thank you, Senator.

Senator SPECTER. Congratulations to you, and congratulations to so many people who are here at the hearing today who are advocates and exponents of the juvenile justice program and the funding for the Runaway Youth Act. Thank you very much.

Mr. NORRIS. Thank you.

Senator SPECTER. I would like now to call our final witness, Acting Commissioner Lucy C. Biggs, Administration for Children, Youth and Families, Office of Human Development Services, U.S. Department of Health and Human Services.

Ms. Biggs, unfortunately we do not have much time. We do have your statement, and it will be made a part of the record.

If you will need very much time to testify, we will be pleased to hear you at a later date with Mr. Regnery. I am advised by staff that you can be rather brief.

Ms. BIGGS. I can be.

Senator SPECTER. Why do you not proceed?

STATEMENT OF LUCY C. BIGGS, ACTING COMMISSIONER, ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES, OFFICE OF HUMAN DEVELOPMENT SERVICES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, ACCOMPANIED BY DAVID A. RUST, DIRECTOR, OFFICE OF POLICY AND LEGISLATION

Ms. BIGGS. Thank you. I have brought Mr. Rust with me. If there are any questions after my testimony, both of us would be willing, to answer them.

Mr. Chairman, I appreciate the opportunity to appear before you and the other distinguished subcommittee members who are interested in the reauthorization of the Runaway and Homeless Youth Act, which is Title III of the Juvenile Justice and Delinquency Prevention Act.

The Runaway and Homeless Youth Act provides funds for community-based programs that primarily serve the immediate needs of runaway and homeless youth and their families. The act authorizes grants for such services as temporary shelter, counseling, and after-care in settings outside the law enforcement and juvenile justice system.

The program is administered by our agency, the Administration for Children, Youth and Families. I would like to turn to our reauthorization proposal, which is a proposal to extend this program. The Administration submitted to the Congress yesterday legislation which proposes a 3-year extension of the authority of the program, and will also include a provision to eliminate the barriers to the use of for-profit organizations in this program.

This proposed will allow the Department to select the most qualified service providers in order to assure the most efficient and effective provision of services to our runaways and to the families of these runaway youth.

In almost every sector of social service and public service, for-profit organizations have provided and continue to provide comparable quality services at competitive prices. The Federal Government already provides funds to other types of for-profit organizations, which include direct payments to for-profit hospitals, home health agencies, and others.

The Department is requesting an authorization of $10,504,000 for fiscal year 1985. We would look to a $10,746,000 figure for fiscal year 1986, and for 1987 a $10,977,000 amount to carry out the functions of this particular act.

The fiscal year 1985 request of $10,504,000 is the approximate historical level for this program from 1973 through 1982. It will support approximately 170 runaway and homeless youth projects across our Nation in each of our States and territories. We will see that that takes place, in addition to a national toll-free hotline service.

While most frequently thought of on a national scale, runaway and homeless youth remain largely a State and local problem. The evaluation that was provided to us by the GAO found that approximately 73 percent of runaway and homeless youth come from the immediate geographic areas of the centers from which they sought services.

Recognizing that the problem of runaway and homeless youth is therefore one which is, and should be, treated first and primarily with State and local resources, this proposal would ensure that centers are available in every State for runaway and homeless youth.

Moreover, these resources would continue to be used to support the best approaches within each State, as determined through competition for funds, as opposed to providing ongoing funds for the same centers year after year.

We have had many accomplishments since 1980 in the reauthorization of the program. Over the first 3 years of the current authorization, fiscal years 1981 through 1983, the runaway and homeless youth program has provided services to an estimated 600,000 youth and their families through the tollfree runaway switchboard.

The centers funded in this period have served another approximately 600,000 youth on both a drop-in and emergency shelter basis. Over the same 3 years, the number of coordinated networks funded by ACYF has risen from 8 in the fiscal year of 1981 to 11 in 1983, with an expected 15 to 20 to be funded in 1984.

These networks are associations of runaway youth agencies and other social service agencies, and may include State and local governments. They are intended to strengthen the coordination of all the resources and services to assist runaway youth and homeless youth and their families.

Permit me to offer a brief review of our most recent activities. During 1983, we assisted centers for runaway and homeless youth in assessing State and other public and private sources of funds in the support of the runaway and homeless youth centers.

We know that approximately 25 percent of the centers' operating costs was provided by the runaway and homeless youth program, while 35 percent was provided by State and local governments.

We supported the National Communications Center at a level of $350,000, and this system includes the national runaway switchboard, which provided referral and crisis intervention to approximately 200,000 runaway and homeless youth during that year.

We awarded grants in the third and fourth quarters of fiscal year 1983 to 228 centers, awarding $17.5 million for the support of these centers in the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam. Additionally, one-time strengthening center grants were added to 110 of the existing centers to improve their efforts, in the areas of outreach, aftercare and program management.

The Department of Health and Human Services funded runaway and homeless youth centers which provided ongoing crisis intervention and shelter services to approximately 50,000 youth. Another 150,000 youth received one-time counseling or referral services on a drop-in basis.

Approximately 50 percent of the youth who received ongoing services were reunited with their families. We are extremely pleased to be able to give that statistic. Twenty-five percent were placed in other positive living arrangements, such as friends' homes, or group or relatives' homes, and 17 percent were placed in other stable living situations, such as boarding school. An estimated 8 percent returned to the streets.

In fiscal year 1984, ACYF expects to award grants in support of 240 centers for runaway and homeless youth. This will be an increase of 12 over 1983. We will continue funding for the national runaway switchboard, and will work with the switchboard to increase its technical capability and, certainly, its services to youth and families.

The fiscal year 1984 funds will also be devoted to the support of special projects to encourage networking activity among the centers, the States and the local agencies in the areas.

I would also want to refer quickly to the missing children's——

Senator SPECTER. Are you just about finished?

Ms. BIGGS. Yes; one paragraph.

I would refer quickly to the missing children's legislation, the Missing Children's Act of 1983 introduced by you and your distinguished colleagues.

The new activities proposed in that bill—a national toll-free telephone line and a national resource center and clearinghouse—would be operated by the Department of Justice. We certainly would defer on questions about that act to the Department of Justice, but we would also want to say that we would be most interested in cooperating and coordinating our services with the Department of Justice in implementing that particular act.

Thank you.

Senator SPECTER. Thank you very much. We appreciate your being here.

Ms. BIGGS. Thank you.

Senator SPECTER. The hearing is concluded. Thank you.

[Whereupon, at 12:15 p.m., the subcommittee was adjourned.]

[The prepared statement of Ms. Biggs follows:]

PREPARED STATEMENT OF LUCY C. BIGGS

Mr. Chairman, I appreciate the opportunity to appear before this distinguished subcommittee to discuss the reauthorization of the Runaway and Homeless Youth Act, Title III of the Juvenile Justice and Delinquency Prevention Act.

In 1973, the Secretary of the then Department of Health, Education and Welfare established an Intra-Departmental Committee on Runaway Youth. This was in response to national concerns about runaways, escalating numbers of delinquency cases brought into juvenile courts throughout the country, and the determination of the U.S. Senate Judiciary Committee to develop an alternative to jail for status offenders. The following year, Congress established the Runaway Youth Program under Title III of the Juvenile Justice and Delinquency Prevention Act of 1974. In 1977, the program was broadened to include homeless youth, and in 1980, the grant funding process was statutorily changed to include a State allocation based on youth population.

The Runaway and Homeless Youth Act provides funds for community-based programs that primarily serve the immediate needs of runaway and homeless youth and their families. The Act authorizes grants for such services as temporary shelter, counseling, and aftercare in settings outside the law enforcement and juvenile justice system. The program is administered by the Administration for Children, Youth and Families (ACYF), within the Office of Human Development Services.

PROPOSED REAUTHORIZATION

I would like to turn to our proposal to extend this program.

The Administration submitted to the Congress yesterday legislation which proposes a three-year extension of the authority for this program and will also include a provision to eliminate the barriers to the use of for-profit organizations in this program.

This amendment will allow the Department to select the most qualified service providers, in order to assure the most efficient and effective provision of services to runaway and other homeless youth, irrespective of the for-profit or nonprofit status of applicants.

In almost every sector of social and public service, for-profit organizations provide comparable quality services at competitive prices. The Federal government already provides funds to other types of for-profit organizations, including direct payments to for-profit hospitals, home health agencies, and mental health centers as well as indirect social service payments for homemaker programs, day care services, and transportation subsidies. Increasingly, for-profit organizations are emerging which combine good business practices with very capable services to various groups.

The Department is requesting an authorization of $10,504,000 for Fiscal Year 1985, $10,746,000 for Fiscal Year 1986, and $10,977,000 for Fiscal Year 1987, to carry out the functions of the Runaway and Homeless Youth Act.

The Fiscal Year 1985 request of $10,504,000 is the approximate historical level for this program from 1973 through 1982, and will support approximately 170 runaway and homeless youth projects as well as the national toll-free runaway youth hotline.

While most frequently thought of on a national scale, runaway and homeless youth remain largely a State and local problem. The evaluation by the GAO found that approximately 73 percent of runaway and homeless youth come from the immediate geographic areas of the centers from which they sought services. Recognizing that the problem of runaway and homeless youth is therefore one which is, and should be, treated first and primarily with State and local resources, this proposal would ensure that centers are available in every State for runaway and homeless youth. Moreover, these resources would continue to be used to support the best approaches within each State, as determined through competition for funds -- as opposed to providing ongoing funding for the same centers year after year.

Funding for centers would thus be awarded on a one-time basis, with centers competing annually for new awards. This approach, used in Fiscal Years 1983 and 1984 for all centers except the 42 which received initial funding under the Act in Fiscal Year 1981, along with selection criteria emphasizing the ability of projects to continue activities from other sources of funding after the one-time grant expires, has promoted the use of Runaway and Homeless Youth Act funds for start-up costs or to improve an existing program rather than as a sole source of funds. On average, each receives only 25 percent of its total budget from the Runaway and Homeless Youth Program, and uses these dollars to leverage extensive support from other sources.

ACCOMPLISHMENTS SINCE 1980 REAUTHORIZATION

Over the first three years of the current authorization (Fiscal Years 1981-1983), the Runaway and Homeless Youth Program has provided services to an estimated 600,000 youth and their families through the toll-free Runaway Switchboard. The centers funded in this period have served approximately 600,000 youth on both a drop-in and an emergency shelter basis.

Over the same three years, the number of coordinated networks funded by ACYF has risen from eight in Fiscal Year 1981 to eleven in Fiscal Year 1983, with an estimated 15 to 20 to be served in Fiscal Year 1984, the last fiscal year of this authorization. These networks are associations of runaway youth agencies and other social service agencies, and may include State and local governments. They are intended to strengthen the coordination of resources and services to runaway and homeless youth and their families.

RECENT ACTIVITIES

I would like to briefly review for you the major activities recently conducted under this legislation. During Fiscal Year 1983:

- We assisted centers for runaway and homeless youth in assessing State and other public and private sources of funds in the support of the runaway and homeless youth centers. Approximately 25 percent of the centers' operating costs was provided by the Runaway and Homeless Youth Program, while 35 percent was provided by State and local governments.

- We negotiated an interagency agreement with the Department of Justice to assess the availability, coordination, and delivery of services to vulnerable youth, including runaways, at regional and State levels. This project, being coordinated through various State agencies, Indian Tribal governments, and ACYF's Regional Resource Centers, is being conducted in nine regions and involves 14 States. The outcomes of this activity will include the development of strategies for improving the coordination and delivery of youth services at the State and local levels.

- We awarded 37 discretionary grants for a wide range of projects. The outcomes of these projects will provide innovative strategies for addressing the needs of runaway and homeless youth and their families, including prevention. Specific projects include innovative techniques for reuniting runaways with and strengthening families; testing various types of independent living arrangements for 16 and 17 year-olds who cannot return home; effective outreach practices to encourage participation in shelter programs by youth who are initially unwilling to go to a runaway center; and techniques for preventing or intervening in juvenile prostitution.

- We participated in the work of the Coordinating Council of Juvenile Justice and Delinquency Prevention, the National Institute of Corrections and the National Advisory Committee on Juvenile Justice and Delinquency Prevention. Separate initiatives with member agencies of the Coordinating Council included the development of a runaway and homeless youth resource guide for ACTION and a rural resource guide on the provision of runaway and homeless youth services for the Department of Agriculture.

- We supported the National Communications System at a level of $350,000. This system, which includes the National Runaway Switchboard, provided referral and crisis intervention services to approximately 200,000 runaway and homeless youth and their families during Fiscal Year 1983.

- We conducted a short-term evaluation of the operations and technical adequacy of the Switchboard to assess its performance and to identify opportunities for improving its capacity, efficiency, and overall effectiveness. This evaluation indicated that the Switchboard's services and staff are of high quality; the use of volunteers is effective; and relative operating costs are low. We are now carrying out technology and management systems improvements which the evaluation identified for us.

- We used the Program Performance Standards for the assessment of center programs, and conducted 67 on-site program performance reviews during Fiscal Year 1983. All centers supported by the Program were also required to submit a self-assessment evaluation documenting their adherence to the Program Performance Standards.

- We awarded grants in the third and fourth quarters of FY 1983 to 228 centers for runaway and homeless youth, awarding $17.05 million for the support of centers in the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands and Guam. Additionally, one-time "strengthening" center grants were awarded to 110 existing centers to improve their efforts in the areas of outreach, aftercare, and program management.

- DHHS-funded runaway and homeless youth centers provided ongoing crisis intervention and shelter services to approximately 50,000 youth. Another 150,000 youth received one-time counseling or referral services on a "drop-in" basis. (These service levels reflect Fiscal Year 1982 grant awards made late in the fiscal year.)

- Approximately 50 percent of the youth who received ongoing services were reunited with their families. Twenty-five percent were placed in other positive living arrangements such as friends', group or relatives' homes; and 17 percent were placed in other stable living situations such as boarding schools. An estimated eight percent returned to the streets.

PLANS FOR THE CURRENT FISCAL YEAR

In Fiscal Year 1984, ACYF expects to award grants in support of 240 centers for runaway and homeless youth. This will be an increase of 12 over the number of centers funded in Fiscal Year 1983. We will continue funding for the National Runaway Switchboard, and will work with the Switchboard to increase its technical capability to serve increased numbers of youth and families.

Fiscal Year 1984 funds will also be devoted to the support of special projects to encourage networking activity among the centers, States and other agencies active in the field of youth services. We will also fund technical assistance projects to address such priority areas as reuniting families, independent living, outreach, and combatting juvenile prostitution and sexual exploitation.

GAO REVIEW OF THE PROGRAM

In September 1983, we received a report on the quality and efficiency of the Runaway and Homeless Youth Program prepared by the U.S. General Accounting Office. This report was generally positive, and I would like to review for you highlights of the findings.

The Report found that "the youth who were served, the centers' environments, and the services that were provided were generally those that had been anticipated in the statute." It found further that "youths, parents, staff members, and community service personnel were in agreement that the program is important and that its services are useful." The GAO believes, however, that more guidance is required from the Department "regarding the priorities that centers should give to aftercare services versus crisis intervention, to outreach efforts to youths who are at risk on the streets versus youths who are referred, and to activities that develop coping and living skills versus those that provide unstructured free time."

We addressed two of these areas -- outreach and aftercare -- through the award of what we called "strengthening center grants" in Fiscal Year 1983. We look forward to the development of effective service techniques and models that can be widely disseminated to centers across the country to assist them in improving the services they provide in these two areas. The issue of improving the use of leisure time is being addressed more informally, during the program reviews and other site visits to the centers.

The effectiveness of the services provided by the centers was also documented through interviews conducted by GAO. The report tells us that 96 percent of the youths, and a like percentage of parents, thought that the center staff were doing a good job. This appraisal, the GAO found, was echoed by others in the community such as professional service providers, school personnel, and police.

MISSING CHILDREN'S LEGISLATION

I would like now to comment briefly on S.2014, the Missing Children's Assistance Act of 1983, introduced by you and twenty-one of your distinguished colleagues on October 27,

1983. Since the new activities proposed in that bill -- a national toll-free telephone line and a national resource center and clearinghouse -- would be operated by the Department of Justice, I will defer to that agency for comments on the specific details of the proposal.

However, I want to take this opportunity to assure you and your colleagues that we at the Department of Health and Human Services also are concerned about the tragic problem of missing children. We are committed to using the resources and authorities we have in cooperation with other Federal, State, local and private organizations to address this problem.

This concludes my opening remarks. I would like to thank you for the opportunity to testify today before this distinguished Subcommittee, and will be pleased to answer any questions that you might have.

MISSING CHILDREN'S ASSISTANCE ACT

TUESDAY, MARCH 13, 1984

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, in room SR-385, Russell Senate Office Building, commencing at 10:10 a.m., Hon. Arlen Specter (chairman of the subcommittee), presiding.

Present: Senator Denton.

Staff present: Mary Louise Westmoreland, chief counsel; Ellen Greenberg, professional staff member; Rick Holcolm, counsel for Senator Denton; Tracy McGee, chief clerk.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator SPECTER. Good morning, ladies and gentlemen. I regret the late start here. But the schedule in the Senate calls for quite a number of overlapping subcommittee meetings. There was one scheduled at 9:30 on the Labor, Health and Human Services Subcommittee, which I had to attend. So it has resulted in delaying a start on this hearing.

Today's hearing marks the fourth in a series of hearings conducted by the Subcommittee on Juvenile Justice to consider the reauthorization of a vital piece of legislation, the Juvenile Justice and Delinquency Prevention Act. The reauthorization of this act is provided for in the Missing Children's Assistance Act—S. 2014—which I introduced last October. This bill now has 51 cosponsors, evidencing strong bipartisan support.

At subcommittee hearings last February and June 1983 on the reauthorization of the Juvenile Justice and Delinquency Prevention Act, we focused specifically on the principal mandates of the act, namely the removal of juveniles from adult jails and lockups and the deinstitutionalization of abused, neglected, deprived, and status children. Last week we heard testimony from a law enforcement representative, a former runaway youth-turned-attorney, and an official from the Department of Health and Human Services who conveyed the administration's support for the reauthorization of title III of the Juvenile Justice and Delinquency Prevention Act, the Runaway and Homeless Youth Act. At our March 21 hearing, Alfred Regnery, Administrator of the Office of Juvenile Justice and Delinquency Prevention, will testify on the administration's position on the reauthorization of title II of the act.

As an alternative to the confinement of noncriminal youth in secure juvenile detention facilities and the incarceration of juveniles in adult jails and lockups, the Juvenile Justice and Delinquency Prevention Act emphasizes the need for community-based programs. These programs include foster care, group homes, halfway houses, community supervision, and home-based detention.

Alternatives to secure detention not only provide rehabilitative services to troubled youth but are also cost-effective and save space in our already overcrowded jails for serious juvenile offenders awaiting trial as adults. According to the American Justice Institute, jailing a juvenile without any necessary services costs an estimated $24 per day whereas placement in a secure juvenile detention facility with full services costs $61 per child per day. These figures are in sharp contrast to the costs of alternative placements like home detention at $14 per day and group homes at $17 per day.

Federal leadership in the administration of juvenile justice is provided to the States in other areas as well. Programs have been developed and tested in such areas as delinquency prevention, treatment of serious and violent juvenile offenders, programs to strengthen the family and maintain youth in the traditional school system or alternative learning situations, advocacy activities to protect the rights of youth impacted by the juvenile justice system, and training and technical assistance programs for law enforcemnt officers, juvenile court judges, and other Federal, State, and local government personnel involved in the juvenile justice field. The support expressed by the National Governors' Association, in addition to many other State and national agencies and organizations, for the continuation of the Federal juvenile justice program attests to its importance and significant contribution.

We are pleased to have with us here today representatives from youth service agencies across the Nation who have dedicated years of service and expertise to prevent juvenile delinquency and ensure the provision of effective services to youth in crisis.

We will first hear from Edward Earnest, executive director, Innovative Resources, Inc., Alabama. Our second witness will be June Bucy, chief executive officer of the National Network of Runaway and Youth Services, who will testify on behalf of the National Collaboration for Youth, a group of 14 agencies including American Red Cross and the Boy and Girl Scouts of America.

We will then hear from William Treanor, executive director of the National Youth Work Alliance, followed by Edward Earnest, executive director of Innovative Resources, Inc., in Birmingham, AL. These gentlemen will discuss the range of activities their agencies provide which are consistent with the intent of the Juvenile Justice and Delinquency Prevention Act.

Our final withness will be Barbara Fruchter, executive director of the Juvenile Justice Center in Philadelphia, PA. Mrs. Fruchter will relate her successful efforts to effect the passage of the Pennsylvania bill to prohibit the incarceration of juveniles in adult jails and lockups and her ongoing activities in this direction.

I regret the delay which has inconvenienced my distinguished colleague from Alabama, Senator Denton. We will begin at this point by calling on Senator Denton for the purpose of introducing the executive director, Edward Earnest, Innovative Resourses, Inc., Alabama.

Senator Denton, we welcome you here in the role of a temporary witness

OPENING STATEMENT OF HON. JEREMIAH DENTON, A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator DENTON. Mr. Chairman I attended a number of your subcommittee hearings. Those of you who do not know, usually subcommittee hearings are attended by only the chairman himself, because others have commitments elsewhere. This morning the distinguished Senator from Pennsylvania was involved in another hearing, and we have this overlap of duty and he does not need to apologize to me because I have been in the same bind many times.

Mr. Chairman, it is with a great deal of pleasure that I introduce Mr. Edward Earnest, executive director of Innovative Resources, Inc., which encompasses the Community Incentive Treatment for Youth Program [CITY] Birmingham, AL, and the Developing Alabama Youth Program [DAY] in Shelby County, AL.

Those programs, which have received State and national recognition, work to provide an alternative for incarceration of juveniles. They also provide a way to prevent crime by young people, and they offer a haven for children who have fallen through the cracks and are not receiving help from agencies, churches, or other institutions. By involving the community in the resolution of youth problems, it has successfully proven that crime can be effectively reduced

The programs accomplish their objectives by way of a threefold approach; first, working with the family to strengthen the family unit; second, coordinating; and third, local resources, and teaching young people how to succeed in the community. The approach not only helps to reduce crime, but also affects the problems of school violence, school dropout rate, and teenage pregnancy. As a collateral consequence, it helps reduce the demand on the entire welfare system.

Mr. Chairman, the success of the Alabama programs is in one respect the direct result of the dedication and professionalism of the staff and their director, Ed Earnest. Ed is eminently qualified, having obtained a bachelor's degree in social work in 1973 from the University of Alabama, and having worked in various juvenile programs since 1970.

Mr. Chairman, Ed's background is so extensive that I ask, that a copy of his resume be made a part of the hearing.

Senator SPECTER. Without objection, it will be made part of the record.

[The material referred to follows:]

RESUME

Edward E. Earnest

ADDRESS: 3744 Haven View Circle
Birmingham, Alabama 35216

(205) 822-1829

DATE OF BIRTH: August 13, 1943

HEALTH: Excellent

EDUCATION: BSW, 1973, University of Alabama

WORK HISTORY:

January 1981 - Present	Innovative Resources, Inc.
Job Title:	Executive Director
Responsibilities:	Founded this non-profit organization in June 1979. The primary purpose of this organization is the development of effective educational and service programs for youth. As Executive Director, I am responsible for the total organization. In March, 1983, the programs developed and managed by this organization were designated as a model by the National Coalition for Jail Reform; in July 1983 the National Council of Juvenile and Family Court Judges presented Innovative Resources the Award for "Unique and Innovative Juvenile Justice Program for 1983".
1976 - 1981	Rehabilitation Research Foundation
Job Title:	Assistant Director
Responsibilities:	(1) Developed a training program under a workshop format to train school personnel in methods of providing individualized instruction to disadvantaged youth. (2) Responsible for the design and development of a vocational assessment

	program, a pre-vocational training program, and an individual referral program under a grant from the Comprehensive Employment Training Program. (3) Responsible for Program Operations (4) Responsible for management of a $270,000.00 grant. The assessment program we developed is now statewide in Alabama.
1975 - 1976	Alabama Department of Youth Services
Job Title:	Director Day Treatment Programs
Responsibilities:	Full implementation of eight day treatment programs designed after the C.I.T.Y. Program model. Responsible for budgeting; facility setup; recruitment, selection, and training of personnel; program implementation; program evaluation, and public relations.
June 1975 - October 1975	Alabama Department of Youth Services
Job Title:	Acting Assistant Superintendent Alabama Youth Services, Roebuck Campus
Responsibilities:	Overall responsibility for 125 personnel. Responsibilities included the supervision of all cottage, counseling, recreational, and educational supervisors and the development of a 24 hour institutional treatment program.
1972 - 1975	Ridgecrest Children's Center, University of Alabama
Job Title:	Director Juvenile Rehabilitation Program
Responsibilities:	(1) Development of philosophy and design of a non-residental program for youth appearing before the court. This was the beginning of the C.I.T.Y. concept. (2) Budgeting (3) Grant development (4) Recruitment, selection and training of staff (5) Supervision of program operation (6) Development of on-going evaluation procedures

1970 - 1972	University of Alabama Ridgecrest Children's Center
Job Title:	Counselor
Responsibilities:	Counseling and supervision of emotionally disturbed children, ages eight to twelve years

MAJOR PRESENTATIONS:

October, 1973:	Alabama Council on Crime & Delinquency Conference "The Juvenile Rehabilitation Program: An alternative to the Incarceration of Youth."
August, 1974:	American Correctional Association Congress Houston, Texas "Second Year Report on the Juvenile Rehabilitation Program."
September, 1974:	Presentation on the Juvenile Rehabilitation Program, Ridgecrest Childrens Center, by invitation to a joint meeting of the Law Enforcement Assistance Administration and the National Institute on Law Enforcement and Criminal Justice, Washington, D.C.
August, 1975:	American Correctional Association Congress Louisville, Kentucky "Third Year Report on the Juvenile Rehabilitation Program."
June 1982:	National YOuth Workers Alliance Conference Washington, D.C. "Evaluation as a Positive Component of Treatment."
December, 1982:	Southern Legislators Conference on Children and Youth Hilton Head, South Carolina "The Community Intensive Treatment for Youth Concept: An Effective Alternative to the Institutionalization of Youth."

References Provided Upon Request

Senator **Denton**. Thank you, Mr. Chairman.

In addition, to have successfully worked with juveniles who have been problems, he has the empathy and compassion acquired from being a youth who experienced trouble with the law himself and who received juvenile services. Ed is truly to be commended for turning his life around and for dedicating that life to troubled juveniles.

As an Alabamian, Mr. Chairman, I am proud of what Ed Earnest and his staff have done for the young people of Alabama. I thank you for honoring my request to have Ed appear today. I look forward to his testimony, and I will be interested to see whether his success in Alabama can serve as a model for programs throughout our Nation.

Mr. **Earnest**. Thank you.

Senator **Specter**. Thank you, Senator Denton.

Mr. Earnest, I will return to you at this time. Your full statement will be made a part of the record. Our practice is to request that there be a brief summary in the range of 5 minutes, so that leaves the maximum amount of time for questions and answers.

STATEMENT OF EDWARD E. EARNEST, EXECUTIVE DIRECTOR, INNOVATIVE RESOURCES INC., BIRMINGHAM, AL

Mr. **Earnest**. Thank you very much, Mr. Chairman. And thank you, Senator Denton.

I want to thank you, Mr. Chairman, for the opportunity to appear before this most important subcommittee and for sponsoring S. 2014, the Missing Children's Assistance Act.

I also want to take a moment to thank you, Senator Denton, for cosponsoring S. 2014. Your interest and concern in the youth of our Nation is clearly shown in your recognition of the family as the most basic institution in the development of this great Nation.

Your support of a Federal effort in locating missing children and your support of the reauthorization of the Juvenile Justice Act further exemplifies your concern and compassion for our youth.

I also want to express my deepest gratitude to you for bringing our effort to the attention of this most important subcommittee and ask your continued support of efforts to strengthen the family unit as a means of solving many of the problems experienced throughout our Nation.

Mr. Chairman, there are those who say the goals of the Juvenile Justice Act have been met, and that the Office of Juvenile Justice and Delinquency Prevention is no longer needed. I would challenge this statement.

In 1982 in Alabama alone, there were 429 juveniles held in adult jails and 492 nonoffenders held in secure detention facilities. Prevention is nonexistent, and placing prevention efforts with education, welfare, et cetera, will only lead to greater fragmentation of services.

There are those who say prevention cannot occur. Yet I want to briefly describe an effort that not only prevents juvenile crime but also reduces the commitment of youth to the State, reduces child detention days, and reduces costs associated with crime.

The original CITY Program was under the direction of Ridgecrest Children's Center of the University of Alabama, and was funded through a grant from the Alabama Law Enforcement Planning Agency. This was in 1972. This program resulted in an 85-percent reduction in the commitment of youth to the State of Alabama. And a 5-year followup performed by the court shows 16 percent of the youth enrolled in that center had been convicted of new felonies after enrollment.

There are two centers currently in operation, the CITY Program, Gadsen, AL, and the Developing Alabama Youth [DAY] Program in Shelby County, AL. The CITY Program is funded 95 percent by the Jobs Training Partnership Act and 5 percent by the local school systems. The DAY Program is funded 65 percent by the Job Training Partnership Act and 35 percent by the Shelby County School System. In addition, contributions to the programs have been made by individuals, civic clubs, and business.

These youth centers are coeducational, nonresidential facilities are designed to meet the needs of youth in their home community. The focus of the centers is to teach youngsters how to succeed in the community.

There does not appear to be one single problem that leads a youth down the path of criminal behavior. Rather there is usually a combination of problems, including but not limited to problems in the home, problems in the school, and problems in interactions with peers and authority figures. Often these youths have weak social skills and lack basic employment skills.

When any combination of these problems are present, additional problems begin to surface, low self-confidence, poor self-image, feelings of worthlessness.

It is often difficult for adults to deal with these problems in their lives, but for adolescents, these problems become devastating. All of us, especially teenagers, have a strong need to feel accepted, to feel a part of something, to feel a sense of belonging, to feel worthwhile. And if these are not found within their schools or with their peers, they begin seeking acceptance and belonging on the streets and delinquent behavior begins.

Mr. Chairman, before the point of delinquent behavior not much is done to help these youth. When the youth ends up in the court, action begins to be taken, generally in the form of probation. If a probation officer attempts to find the services and training needed by a youth, he or she finds that most services are specialized and are unable to meet the multiple needs of the youth. The probation officer finds he/she must coordinate with four, five, or six different agencies, each operating under different requirements and different regulations.

Senator SPECTER. Mr. Earnest, I would like, if it is agreeable to you, to direct your attention to the portion of your testimony where you have commented on a couple of bills which are pending before the subcommittee. Particularly I would like to draw your attention to the status offenses. You have commented on page 2 of your testimony that S. 520, the Dependent Children's Protection Act is long overdue. You refer to the number of children who are in the State of Alabama who have not been educated and have committed no offense, yet they are in custody.

One of the concerns which this subcommittee has—and I know it is shared by Senator Denton—is whether it is appropriate for the Federal Government to mandate that the States not keep in jails so-called status offenders, neglected, runaways. And this brings up the issue of States rights.

Senator Denton and I have quite a deal to do with our colleagues on this issue. But I understand from your written testimony you believe the situation is serious enough that the Federal Government ought to simply say we have put up with it long enough where these status offenders are in custody, and we simply ought to have the Federal prohibition against it

Mr. EARNEST. Mr. Chairman, from the time I was 12 to 23 years of age I spent 9½ years in incarceration. Three and one-half years of that was in juvenile institutions where many, many youngsters in the 1950's were institutionalized who had not committed any crime, who had not committed any crime against any individual.

Senator SPECTER. And you were institutionalized for 9 years?

Mr. EARNEST. Nine and a half years.

Senator SPECTER. May I ask; How old are you now?

Mr. EARNEST. Forty.

Senator SPECTER. During what age span were you institutionalized?

Mr. EARNEST. Twelve to twenty-three.

Senator SPECTER. And what was the reason, if I may ask?

Mr. EARNEST. Burglary and grand larceny.

Senator SPECTER. But you saw that there were others who were institutionalized who had committed no crimes?

Mr. EARNEST. No crime whatsoever.

I also saw these youngsters abused. I saw these youngsters and I know of incidents of them being sexually assaulted. They were in no condition whatsoever to deal with the population with which they were placed who was involved in criminal behavior.

Senator SPECTER. They were sexually assaulted by other——

Mr. EARNEST. By other people in the juvenile institutions.

Senator SPECTER. Were they sexually assaulted by guards as well?

Mr. EARNEST. No.

Senator SPECTER. And what ages were these children who were sexually assaulted?

Mr. EARNEST. Ages 12, 13, 14.

Senator SPECTER. They were being sexually assaulted by somewhat older inmates?

Mr. EARNEST. Yes; 13-, 14-, 15-, and 16-year-olds.

Senator SPECTER. They were really defenseless?

Mr. EARNEST. Right.

Senator SPECTER. What do you think about the point, Mr. Earnest, which concerns Senator Denton about the Federal Government mandating these programs without paying for them? We are not going to pay at the Federal level; we are going to go right back to Pennsylvania and Alabama and say to the citizens, it is your obligation, you have got to have decent facilities but you have got to pay for them yourselves.

Do you think it is something that has to be done?

Mr. **Earnest**. I think it has to be done because when a person commits a crime against another person or a property crime or something like this, then they have taken an action in which there is an understanding of a possibility of losing freedom, having their freedom removed. When children have not committed a crime against another person or against property, removing that youngster's freedom to me just appears totally wrong. There are no good studies to show the effect of incarceraton. Some say that it is good because it gets them off the street. Well, in ordinary institutions I am not sure which is worse, the streets or the institutions.

But the simple removal of freedom when a youngster has not committed a crime against another person or theft, I just think it is totally wrong. I think that this freedom has to be protected. I think they are institutionalized because of their age, period, and for no other reason.

Senator **Specter**. One final question, Mr. Earnest, before turning it over to Senator Denton.

That is the subject of the authorization in the Office of Juvenile Justice and Delinquency Prevention. You have already noted there are some who believe the Justice Department has taken this position that we will not have to have OJJDP any more. Do you strongly disagree with the Department of Justice's view on that? Do you think that OJJDP ought to be reauthorized?

Mr. **Earnest**. Yes, sir, I do. Eliminating OJJDP is going to cause more fragmentation. The school systems are not going to deal with the youngsters who are creating problems in the schools. They are going to expel those youngsters and put them on the streets. The welfare system is not going to pick up on these youngsters. The mental health system is not going to pick up on them.

These youngsters are going to run the streets until something happens that brings them to the attention of the court. Our efforts in the 1960's, early 1970's demonstrated to us there is no coordination of these services.

I think this is why there must be a focus on juvenile justice, and I think there has to be a coordinating point. And to me this is what OJJDP should be.

Senator **Specter**. Senator Denton.

Senator **Denton**. Thank you, Mr. Chairman.

Mr. Earnest, as you may know, I am trying to bring together a bipartisan congressional effort to look comprehensively at the need for welfare reform, really to make it more efficient. And there are some people who are receiving less aid than they should, and a number who are receiving more aid than they should. We have no way, for example, to add up the in kind and monetary pay that welfare recipients now receive.

You say that your program not only has a positive impact on crime, but addresses both directly and indirectly the problem of school violence, dropout rate, and teen pregnancy, and through these the welfare system.

Can you say how it impacts the welfare system?

Mr. **Earnest**. In basically two ways. First, directly with the teenage adolescent who is experiencing problems, whatever the problems are, whether it is related to school, whether it is related to court, or whatever. These are the teenagers who have the highest probability to eventually end up on the welfare rolls. And they will end up there because, (1) their academic skills usually function 5, 6 years below grade level so they cannot succeed in school, and they drop out of school, and (2) they have no marketable job skills.

There is generally no problem at home that cannot be resolved. Very often it is a cycle thing. Not only is the current family on welfare but the past family, past generation, was also on the welfare rolls. Many of these youngsters have younger siblings that are on welfare.

When we go and work with the total family and bring together all the resources in the community, bring together the welfare system, the mental health system, the unemployment system, and bring all of these to bear in working with that family, problems can be resolved. You cannot just address the problem with the child. You have to address the problem of the family.

For example, 47 percent of our kids come from homes where no one is employed. This problem has to be resolved. We currently have—I know in Shelby County we have five of the parents now in skill training, enthusiastic that they will eventually become employed. These people have not been employed for years.

Now, if they become employed, they will go off the AFDC rolls. And these youngsters, more importantly, if they obtain the skills they need to succeed in the community, they will not go on welfare.

We have had five girls in our Gadsden Program, who came into the program, either pregnant or already with babies and were already receiving AFDC. None of the five are now receiving AFDC. All five are employed and supporting themselves.

This to me is the way to deal with the welfare problem. Address the problems in the community, and in the home and family, and to strengthen the family unit. It is somehow the impression that it is because families do not want to work or these adults are lazy or whatever. This may be the case sometimes. I think with many it is a case of having reached a point of hopelessness.

Most of what I have found is people who are wanting to be self-supporting. They want to take pride in themselves. But they have been beaten down so long, and they have no skills to market, that when they can have a chance to develop those skills, they will take it, and they will do it. And this is how the programs impact the youth. It deals with the problems early and teaches youngsters how to succeed in their community and become a productive member of the community.

Senator **Denton**. So you would agree with the point which we tried to look into at our last hearing in the Subcommittee on Family and Human Services, which I chaired, where we tried to investigate the advisability of increasing parental involvement in such programs as drug abuse by children, alcohol abuse, mental health treatment that is offered by sociologists, psychologists, psychiatrists, and adolescent sexuality counseling.

Do you tend to agree with this involvement?

Mr. **Earnest**. Yes, sir.

Senator **Denton**. When juvenile treatment programs become institutionalized and become part of the bureaucracy, sometimes it becomes difficult to ascertain whether the programs are actually successful in serving the juveniles.

The CITY Program by all possible gauges would be judged successful in light of the national and State recognition and statistical data that you outlined concerning the juvenile once they leave the programs.

What single factor in your mind would be the best indication of the relativity of success to the CITY approach?

Mr. **Earnest**. Our first goal was to reduce juvenile crime, and second, to reduce commitment of the youngsters to the State. This is easily measured. Our State Department of Youth Services has thorough statistics. The district court has statistics. It is easy to count how many are committed or how many petitions were filed with the court.

Our objective then becomes to prevent youngsters from reaching the court. We do this by working with the schools, schools referring youngsters to the program rather than expelling them and putting them on the streets.

If an approach is taken to dealing with the school problems by dumping these youngsters on the streets through expulsion without any backup services to help these youngsters deal with problems that are creating this behavior, then we are going to deal with them later, and we are going to pay a much higher price as these kids enter the juvenile justice system or enter the adult criminal justice system.

There needs to be performance accountability. I think one of the most unanswerable questions in the juvenile justice system, whether you ask community programs or institutions, is what percentage of the kids who went through your program were convicted of a felony or an offense within a year after leaving that program. You will not get any answers. There is no followup.

We have programs funded at the State and Federal levels for which we have no idea whether they are effective in reducing juvenile crime or preventing institutionalization of youngsters. The data is not there. And it is not there because there is no demand for this kind of followup. And I think this demand has to come from this body and our State legislative bodies.

Senator **Denton**. Mr. Chairman, I will ask one more question and, to save time, submit another question for the record if I may.

Senator **Specter**. Of course.

Senator **Denton**. Mr. Earnest, I commend you for performing this service for our young people and for our State.

Can the success of the CITY concept be duplicated in other areas of Alabama; can it be duplicated in other areas across the United States? And what is the easiest or most expeditious way of effecting that duplication?

Mr. **Earnest**. I have no doubt in my mind it could be duplicated in Alabama. There are currently nine juvenile court judges who want these centers, who are willing to use the centers in lieu of institutionalization. All this concept needs to work is an atmosphere of cooperation between the juvenile court, juvenile probation, schools, and the program. There has to be an agreement that the programs will be data based and they will collect relevant data, not a bunch of data that does not amount to a hill of beans. And there has to be involvement from the community.

One of the reasons I think it will work in Alabama and anywhere else in the Nation is these programs do not belong to Innovative Resources, our organization. These programs are placed under a local foundation consisting of people from business, church affiliated organizations, local agencies, and youth. These programs are not under the auspices of Innovative Resources or a Government bureaucracy. Instead they are under the auspices of local people dealing with local problems.

The objective here is for them—the local foundations—not to just look at this program, but to look at the needs of young people in their community as a whole. What are the problems in the school? What are the problems in recreation? Do kids have anything to do?

For example, not too many years ago you could go to a movie for 35 cents. That was a long time ago.

Senator DENTON. I can remember a dime.

Mr. EARNEST. Now it is $4. So when a teenager tries to take a date out to the movie, by the time they pay for the tickets and buy the popcorn, they have to spend $20.

As long as these local foundations have the desire and are willing to followup on youngsters, a willingness to evaluate, not from a standpoint of cutting anybody's throat, but evaluation in the sense of fine tuning, making programs constantly better, the programs will remain effective.

In Etowah County we have reduced commitment of kids by 92 percent in a 3-year period of time, from 51 to 4 kids.

The cost to institutionalize in Alabama is $20,000 a year. The cost of this program is approximately $3,200. The State of Alabama has been saved $1.3 million over the past 3 years alone.

The program can be implemented anywhere. The only question—I have with the program is where implementation can be done. Some experimentation would have to be done to determine the best design for large metropolitan cities such as the District of Columbia and for small rural areas of about 30,000 population.

But when you get a 92-percent reduction in commitment of youngsters just by utilizing local resources, local people getting involved in their local problems, it can be done anywhere.

[The prepared statement of Mr. Earnest and the response to a written question from Senator Denton follow:]

PREPARED STATEMENT OF EDWARD E. EARNEST

MR. CHAIRMAN:

HAVING BEEN INVOLVED WITH THE JUSTICE SYSTEM FOR SEVERAL YEARS AND BECAUSE I AM VERY CONCERNED ABOUT OUR NATION'S YOUTH, I WANT TO COMMEND YOU, MR. CHAIRMAN, FOR SPONSORING, AND YOU, SENATOR DENTON AND OTHERS FOR COSPONSORING S.2014, "THE MISSING CHILDREN'S ASSISTANCE ACT OF 1983." SINCE I HAVE LITTLE EXPERIENCE IN THE AREA OF MISSING CHILDREN, WITH THE EXCEPTION OF TEENAGE RUNAWAYS, I WILL DEFER DISCUSSION ON MISSING CHILDREN TO THOSE WITH GREATER EXPERTISE ON THE MATTER. HOWEVER, SINCE I BELIEVE THE WELFARE AND SAFETY OF OUR CHILDREN MUST BE ONE OF OUR NATION'S TOP PRIORITIES, AND, SINCE THE PLIGHT OF MISSING CHILDREN EXTENDS ACROSS LOCAL AND STATE BOUNDARIES, AND, SINCE THE ACT GURANTEES COORDINATED AND COMPREHENSIVE PROGRAMS AT THE FEDERAL LEVEL TO ASSIST LOCAL AND STATE AUTHORITIES IN THE SEARCH FOR MISSING CHILDREN, I STRONGLY URGE PASSAGE OF S.2014.

MR. CHAIRMAN, WITH YOUR INDULGENCE, I WOULD ALSO LIKE TO BRIEFLY COMMENT ON S.522, "JUVENILE INCARCERATION ACT OF 1983" AND S.520, "DEPENDENT CHILDREN'S PROTECTION ACT OF 1983."

EACH YEAR APPROXIMATELY ONE-HALF MILLION JUVENILES ARE LOCKED UP IN ADULT JAILS AND ONLY ABOUT TEN PERCENT OF THESE JUVENILES ARE HELD FOR SERIOUS OFFENSES. MR. CHAIRMAN, THE JUNGLES WE CALL OUR ADULT JAILS, BY THEIR VERY NATURE, ENCOURAGE DELINQUENCY AND CRIMINAL BEHAVIOR. THE PSYCHOLOGICAL, SOCIAL, AND PHYSICAL EFFECTS ON THESE YOUTH ARE DEVASTATING. IT IS NO COINCIDENCE THE SUICIDE RATE FOR JUVENILES PLACED IN ADULT JAILS IS FIVE TIMES GREATER THAN THE SUICIDE RATE IN THE GENERAL POPULATION AND EIGHT TIMES THE RATE FOR JUVENILES PLACED IN SEPARATE JUVENILE DETENTION CENTERS.

MR. CHAIRMAN, A PICTURE INDELIBLY ETCHED IN MY MEMORY IS THAT OF A NINE YEAR OLD BOY WHO HAD BEEN PLACED IN THE STENCH FILLED DRUNK TANK OF THE LOCAL COUNTY JAIL. THE BOY WAS COWERING IN ONE OF THE CORNERS, VERY SCARED. WE WERE TOLD HE WAS A DISTURBED KID AND THIS WAS HOW THEY CONTROLLED HIM. WE CONTACTED AN ATTORNEY WHO OBTAINED HIS RELEASE. MR. CHAIRMAN, THE SADDEST PART OF THIS STORY IS THIS TOWN HAD A MENTAL HEALTH CENTER, A

STATE MENTAL HOSPITAL WITH AN ADOLESCENT UNIT, AND A RESIDENTIAL CENTER FOR EMOTIONALLY DISTURBED CHILDREN, AGES EIGHT TO TWELVE YEARS. THE RESOURCES WERE THERE, BUT THEY WERE NOT USED.

A GREAT DEAL OF MONEY HAS BEEN MADE AVAILABLE OVER THE PAST FEW YEARS TO REMOVE CHILDREN FROM ADULT JAILS, YET THE NUMBER OF CHILDREN BEING PLACED IN THIS SITUATION REMAINS HIGH. BECAUSE OF THE REASONS GIVEN AND OUT OF CONCERN FOR THE SAFETY AND WELL-BEING OF OUR NATION'S YOUTH, I ASK YOUR STRONG SUPPORT FOR S.522.

MR. CHAIRMAN, S.520 "DEPENDENT CHILDREN'S PROTECTION ACT OF 1983" IS LONG OVERDUE. THERE ARE APPROXOMATELY THIRTY-FIVE YOUTH UNDER THE CARE AND CUSTODY OF THE STATE OF ALABAMA WHO HAVE NOT BEEN ADJUDICATED TO HAVE COMMITTED AN OFFENSE THAT WOULD BE CRIMINAL IF COMMITTED BY AN ADULT. ALTHOUGH OUR STATE DOES NOT, THROUGH THE JUDICIAL ARTICLE, ALLOW THE INSTITUTIONALIZATION OF STATUS OFFENDERS OR CHILDREN IN NEED OF SUPERVISION, IT DOES HOWEVER, ALLOW FOR COMMITMENT TO THE STATE FOR VIOLATION OF PROBATION. THESE CHILDREN ARE COMMITTED UNDER THIS CIRCUMSTANCE. MR. CHAIRMAN, THESE CHILDREN HAVE HAD THEIR FREEDOM REMOVED, THEY HAVE BEEN PLACED IN PERSONAL DANGER BY BEING PLACED WITH YOUTH WHO HAVE A LONG HISTORY OF CRIMINAL BEHAVIOR, THEY HAVE BEEN ALIENATED FROM FAMILY AND PEERS, AND THEY ARE STIGMATIZED BECAUSE THEY ARE IN A "REFORM SCHOOL." MR. CHAIRMAN, THIS IS WRONG. THESE CHILDREN HAVE NOT COMMITTED ANY OFFENSE THAT WOULD BE CRIMINAL IF COMMITTED BY AN ADULT. THESE CHILDREN HAVE BEEN COMMITTED TO THE STATE BECAUSE OF THEIR AGE AND NOT DUE TO A CRIMINAL ACT. IN MY OPINION, THE CONSTITUTIONAL RIGHTS OF THESE CHILDREN ARE BEING VIOLATED.

MR. CHAIRMAN, IT IS NOT ALWAYS INDIVIDUALS WHO PHYSICALLY, EMOTIONALLY, AND SOCIALLY DAMAGE CHILDREN. TO OFTEN, THIS DAMAGE IS PERPETRATED BY THE SYSTEM THROUGH THE PLACING OF CHILDREN IN ADULT JAILS AND THROUGH THE COMMITMENT OF CHILDREN WHO EXHIBIT NON-CRIMINAL BEHAVIOR TO THE CARE AND CUSTODY OF THE STATE. MR. CHAIRMAN, AND MEMBERS OF THE COMMITTEE, S.520 AND S.522 GO FAR IN PROTECTING CHILDREN FROM THIS DAMAGE, AND I WOULD STRONGLY ENCOURAGE THEIR PASSAGE.

MR. CHAIRMAN, MY PURPOSE FOR BEING HERE TODAY IS TO DESCRIBE A CONCEPT THAT HAS PROVEN TO BE BOTH AN EFFECTIVE AND ECONOMICAL ALTERNATIVE TO

THE JAILING AND INSTITUTIONALIZING OF CHILDREN: THE "COMMUNITY INTENSIVE TREATMENT FOR YOUTH (C.I.T.Y.) CONCEPT." SINCE TIME WILL NOT PERMIT A THOROUGH DESCRIPTION OF THE C.I.T.Y. APPROACH TO WORKING WITH YOUTH, I ASK THAT A REPORT ENTITLED "THE COMMUNITY INTENSIVE TREATMENT FOR YOUTH (C.I.T.Y.) CONCEPT, A REPORT," DATED FEBRUARY 28, 1984, BE ENTERED INTO THE RECORD IMMEDIATELY FOLLOWING MY STATEMENT.

THE ORIGINAL C.I.T.Y. PROGRAM WAS UNDER THE DIRECTION OF THE RIDGECREST CHILDREN'S CENTER, THE UNIVERSITY OF ALABAMA AND WAS FUNDED THROUGH A GRANT FROM THE ALABAMA LAW ENFORCEMENT PLANNING AGENCY. THIS PROGRAM RESULTED IN AN 85% REDUCTION IN THE COMMITMENT OF YOUTH TO THE STATE OF ALABAMA, AND A FIVE YEAR FOLLOW-UP PERFORMED BY THE COURT SHOWED 16% OF THE YOUTH ENROLLED IN THAT CENTER HAD BEEN CONVICTED OF NEW FELONIES. THERE ARE TWO CENTERS CURRENTLY IN OPERATION: THE C.I.T.Y. PROGRAM, GADSDEN,ALABAMA AND THE DEVELOPING ALABAMA YOUTH (DAY) PROGRAM, SHELBY COUNTY, ALABAMA. THE C.I.T.Y. PROGRAM IS FUNDED 95% BY THE JOBS TRAINING PARTNERSHIP ACT AND 5% BY THE LOCAL SCHOOL SYSTEMS. THE SHELBY COUNTY CENTER IS FUNDED 65% JOBS TRAINING PARTNERSHIP ACT FUNDS AND 35% SHELBY COUNTY SCHOOL SYSTEM FUNDS. IN ADDITION, CONTRIBUTIONS TO THESE PROGRAMS HAVE BEEN MADE BY INDIVIDUALS, CIVIC CLUBS, BUSINESS.

THESE YOUTH CENTERS ARE CO-EDUCATIONAL, NON-RESIDENTIAL FACILITIES DESIGNED TO MEET THE NEEDS OF ADOLESCENTS 12-18 YEARS OF AGE WHO ARE EXPERIENCING PROBLEMS BEYOND THE CONTROL AND ASSISTANCE AVAILABLE IN THE COMMUNITY. AS A MULTI-DIMENSIONAL PROGRAM EMPHASIZING HABILITATION RATHER THAN CONTROL THROUGH FEAR AND INCARCERATION, THE CENTERS FOCUS ON EQUIPPING THE ADOLESCENT WITH THE SKILLS NEEDED TO MEET THE DEMANDS OF MODERN SOCIETY.

MR. CHAIRMAN, THE RATIONALE BEHIND THE C.I.T.Y. CONCEPT IS TO BE FOUND IN A DESCRIPTION OF THE CHARACTERISTICS OF ADOLESCENTS WHO COME REPEATEDLY TO THE ATTENTION OF THE COURT.

THERE DOES NOT APPEAR TO BE ONE SINGLE PROBLEM THAT LEADS A YOUTH DOWN THE PATH OF CRIMINAL BEHAVIOR. RATHER, THERE IS USUALLY A COMBINATION OF PROBLEMS OFTEN INCLUDING, BUT NOT LIMITED TO, PROBLEMS IN THE HOME, PROBLEMS IN THE SCHOOL, AND PROBLEMS IN THEIR INTERACTIONS WITH PEERS AND AUTHORITY FIGURES. OFTEN, THESE YOUTH HAVE WEAK SOCIAL AND BASIC

EMPLOYMENT SKILLS. WHEN ANY COMBINATION OF THESE PROBLEMS ARE PRESENT, ADDITIONAL PROBLEMS BEGIN TO SURFACE: LOW SELF-CONFIDENCE, POOR SELF-IMAGE, AND FEELINGS OF WORTHLESSNESS. IT IS OFTEN DIFFICULT FOR ADULTS TO COPE WITH THESE PROBLEMS, BUT FOR ADOLESCENTS WHO ARE EXPERIENCING SO MANY CHANGES IN THEIR LIVES, THESE PROBLEMS BECOME DEVASTATING. ALL OF US, ESPECIALLY TEENAGERS, HAVE A STRONG NEED TO FEEL ACCEPTED, TO FEEL A PART OF SOMETHING, TO FEEL A SENSE OF BELONGING, TO FEEL WORTHWHILE. WHEN AN ADOLESCENT CAN NOT MEET THESE BASIC NEEDS IN THEIR HOME, IN THEIR SCHOOL, OR WITH THEIR PEERS, THEY BEGIN SEEKING THIS ACCEPTANCE AND BELONGING ON THE STREETS AND DELINQUENT BEHAVIOR BEGINS, MOTIVATED OFTEN BY THE NEED TO BE ACCEPTED IN THE STREET CONTRA-CULTURE.

MR. CHAIRMAN, UP TO THE POINT OF DELINQUENT BEHAVIOR, NOT MUCH IS DONE TO HELP THE YOUTH DEAL WITH THOSE MANY PROBLEMS. ONCE THE DELINQUENT BEHAVIOR BEGINS OCCURRING AND THE YOUTH ENDS UP IN THE COURT, ACTION BEGINS TO BE TAKEN, GENERALLY IN THE FORM OF PROBATION. IF A PROBATION OFFICER ATTEMPTS TO FIND THE SERVICES AND TRAINING NEEDED BY THE YOUTH, HE/SHE FINDS THAT MOST SERVICES ARE SPECIALIZED,AND TO MEET THE MANY NEEDS OF THE YOUTH, THE PROBATION OFFICER MUST COORDINATE WITH FOUR, FIVE, OR SIX DIFFERENT AGENCIES, EACH OPERATING UNDER DIFFERENT REQUIREMENTS AND REGULATIONS. FRAGMENTATION OF SERVICES IS A SERIOUS PROBLEM.

ONCE PROBATION FAILS, COMMITMENT TO THE CUSTODY AND CARE OF THE STATE FOLLOWS. WHEN THESE YOUTH REACH THE INSTITUTION, THEY LEARN HOW TO SUCCEED IN AN INSTITUTIONAL SETTING. THEY BECOME ACCEPTED BY THEIR PEERS IN THIS SETTING. EVENTUALLY, THE YOUNGSTER WILL BE RELEASED BACK TO THE COMMUNITY WHERE THE PROBLEMS THAT WERE PRESENT BEFORE THE COMMITMENT REMAIN UNADDRESSED, AND, IN ADDITION, THE YOUTH HAS A NEW PROBLEM -- STIGMATIZATION FROM HAVING BEEN IN A REFORM SCHOOL. THE REVOLVING DOOR OF THE CRIMINAL JUSTICE SYSTEM BEGINS TO SWING.

MR. CHAIRMAN, THE FIRST PROGRAM UNDER THE C.I.T.Y. CONCEPT OPENED AT THE UNIVERSITY OF ALABAMA IN 1972. WE FELT THEN, AS WE DO NOW, THAT THERE WERE CERTAIN PROBLEMS IN THE WAY YOUNG PEOPLE ARE DEALT WITH IN THE JUVENILE JUSTICE SYSTEM. THERE IS AN OVERUSE OF RESIDENTIAL CARE AND NOT ENOUGH ON NON-RESIDENTIAL SERVICES FOR YOUTH; THERE IS NOT ENOUGH EMPHASIS ON PREVENTION; THERE IS NOT ENOUGH EMPHASIS ON INDIVIDUALIZED PLANNING, SERVICES, AND TRAINING FOR YOUTH, AND THERE IS NOT ENOUGH EMPHASIS ON EVALUATION AND PERFORMANCE ACCOUNTABILITY. MR. CHAIRMAN, THE MOST UNANSWERABLE QUESTION IN THE JUVENILE JUSTICE SYSTEM IS: WHAT PERCENTAGE OF YOUTH WHO GO THROUGH A PARTICULAR PROGRAM, GROUP HOME, OR INSTITUTION ARE CONVICTED OF NEW OFFENSES WITHIN ONE YEAR OF LEAVING THE FACILITY? THERE MUST BE A MUCH GREATER EMPHASIS ON KNOWING THE RESULTS OBTAINED BY ANY PARTICULAR APPROACH TO WORKING WITH YOUTH.

MR. CHAIRMAN, THE C.I.T.Y. CONCEPT, THROUGH CLOSE COORDINATION WITH THE COURT, PROBATION PERSONNEL, SCHOOLS, AND OTHER AGENCIES IN THE COMMUNITY, IS DESIGNED TO PROVIDE COMPREHENSIVE AND COORDINATED SERVICES AND TRAINING TO YOUTH BEFORE THE OFFENSES BECOME SERIOUS ENOUGH TO WARRANT INSTITUTIONAL COMMITMENT.

THE C.I.T.Y. CONCEPT IS DESIGNED AS A TWO STAGE PREVENTION PROGRAM. THE FIRST STAGE CONCENTRATES ON THE PREVENTION OF THE INSTITUTIONALIZATION OF CHILDREN. INITIALLY, ALL REFERRALS TO A PROGRAM ARE MADE BY THE COURT, AND THE FOCUS IS ON THE MOST CHRONIC AND SEVERE OFFENDERS. IN AN AREA WITH THE POPULATION OF ETOWAH COUNTY, APPROXIMATELY 110,000, THE COURT SOON REACHES THE POINT IT DOES NOT HAVE ENOUGH REFERRALS TO KEEP THE PROGRAM AT CAPACITY. ONCE THIS POINT IS REACHED, THE SECOND STAGE OF PREVENTION BEGINS BY OPENING THE PROGRAM TO REFERRALS FROM THE SCHOOL, WELFARE, AND MENTAL HEALTH SYSTEMS AS WELL AS SELF-REFERRALS OF YOUTH WHO HAVE DROPPED OUT OF SCHOOL AND HAVE BEEN WANDERING THE STREETS. THE EFFORT AT THIS POINT IS TO PREVENT THE YOUTH FROM BECOMING FORMALLY INVOLVED WITH THE COURT SYSTEM.

UNDER THE C.I.T.Y. CONCEPT, MR. CHAIRMAN, EACH PROGRAM IS DESIGNED TO PROVIDE CERTAIN TRAINING AND SERVICES INTERNALLY WHILE ESTABLISHING LINKAGES WITH OTHER AGENCIES IN THE COMMUNITY TO OBTAIN SERVICES NEEDED BY AN INDIVIDUAL YOUTH AND HIS/HER FAMILY BUT ARE NOT PROVIDED WITHIN THE PROGRAM. THE SERVICES AND TRAINING PROVIDED DIRECTLY INCLUDE ACADEMIC REMEDIATION/G.E.D. PREPARATION, FAMILY COUNSELING, INDIVIDUAL AND GROUP COUNSELING, BASIC EMPLOYMENT SKILL TRAINING, SOCIAL SKILL TRAINING, CONSUMER EDUCATION, AND A BEHAVIOR CHANGE PROGRAM. THROUGH LINKAGES ESTABLISHED WITH OTHER AGENCIES, THE PROGRAM HAS THE ABILITY TO BRING INTO PLAY HEALTH AND WELFARE SERVICES, TECHNICAL TRAINING, ADVANCED EDUCATION, EMPLOYMENT SERVICES, RECREATIONAL PROGRAMS, DRUG TREATMENT PROGRAMS, ETC.

IN OTHER WORDS, MR. CHAIRMAN, THROUGH THIS APPROACH, EVERY RESOURCE AVAILABLE IN THE COMMUNITY CAN BE BROUGHT TO BEAR IN HELPING ADOLESCENTS BRING THEIR LIFE INTO FOCUS AND GET THEMSELVES ON THE ROAD TO BECOMING PRODUCTIVE MEMBERS OF THE COMMUNITY.

MR. CHAIRMAN, THIS APPROACH IS EFFECTIVE IN REDUCING COMMITMENTS TO THE STATE, REDUCING COSTS, AND REDUCING JUVENILE CRIME. FOR EXAMPLE, THE YEAR BEFORE THE PROGRAM OPENED IN ETOWAH COUNTY, FIFTY-ONE YOUTH WERE COMMITTED TO THE STATE OF ALABAMA. THIS WAS THE YEAR 1980. IN 1983, ONLY FOUR YOUTH WERE COMMITTED, A NINETY-TWO PERCENT REDUCTION OVER A THREE YEAR PERIOD.

AS OF DECEMBER 31, 1983, 212 YOUTH HAD BEEN ENROLLED IN THE TWO EXISTING PROGRAMS, AND 161 OF THE 212 HAD BEEN CONVICTED OR ADJUDICATED ON A TOTAL OF 405 OFFENSES PRIOR TO ENROLLMENT, AN AVERAGE OF 2.5 ADJUDICATIONS EACH; 38 (17.9%) HAVE BEEN ADJUDICATED OF NEW OFFENSES AFTER ENROLLMENT, AND 19 (9%) HAVE BEEN ADJUDICATED FOR COMMITING NEW FELONY OFFENSES AFTER ENROLLMENT. OF THE 38 YOUTH ADJUDICATED FOR NEW OFFENSES AFTER ENROLLMENT, ELEVEN (5% OF THE TOTAL) HAVE BEEN COMMITTED OR SENTENCED TO SERVE TIME: FIVE HAVE BEEN COMMITTED TO THE STATE DEPARTMENT OF YOUTH SERVICES, FOUR HAVE BEEN SENTENCED TO PRISON, AND TWO HAVE BEEN SENTENCED TO JAIL TERMS.

MR. CHAIRMAN, BASED ON THE REDUCTION IN COMMITMENTS ALONE, THE COST TO SERVE THE YOUTH OF ETOWAH COUNTY WAS $1.3 MILLION LESS OVER THE PAST THREE YEARS THAN THE COST WOULD HAVE BEEN HAD THE PROGRAM NOT OPENED AND COMMITMENTS HAD STAYED CONSTANT AT THE 1980 LEVEL.

OTHER EFFECTS COVERED IN THE AFOREMENTIONED REPORT INCLUDE A 22% REDUCTION IN PETITIONS FILED WITH THE COURT, A 34% REDUCTION IN COURT CASES, AND A 50% REDUCTION IN CHILD DETENTION DAYS.

MR. CHAIRMAN, THIS APPROACH WORKS, I BELIEVE, FOR THE FOLLOWING REASONS:

1. THE PROGRAMS ARE PLACED UNDER THE CONTROL OF A LOCAL FOUNDATION CONSISTING OF A FIFTEEN MEMBER BOARD OF DIRECTORS REPRESENTING BUSINESS, GOVERNMENT, THE RELIGIOUS COMMUNITY, AND YOUTH. THIS APPROACH PROVIDES LOCAL PEOPLE WITH THE RESOURCE TO DEAL WITH A LOCAL PROBLEM.

2. THE PROGRAMS ARE NON-RESIDENTIAL.

3. THE PROGRAM HAS AN INTERDISCIPLINARY STAFF CONSISTING OF A PSYCHOLOGIST, SOCIAL WORKER, COUNSELOR, AND EDUCATORS.

4. THERE IS A HEAVY EMPHASIS ON WORKING WITH THE FAMILY. EVERY YOUTH WE SEE HAS PROBLEMS AT HOME: BASIC NEEDS (FOOD, SHELTER, EMPLOYMENT, ETC.), HEALTH PROBLEMS, COMMUNICATION PROBLEMS, AND OFTEN THE PROBLEM OF A STATE OF HOPELESSNESS. OFTENTIMES, WITH A LITTLE HELP AND GUIDANCE, THESE PROBLEMS CAN BE RESOLVED.

5. THE PROGRAM IS DESIGNED TO PROVIDE INDIVIDUALIZED SERVICES AND TRAINING. A SUCCESS PLAN IS DRAWN UP WITH THE YOUTH AND HIS/HER FAMILY. THIS SUCCESS PLAN IS EVALUATED MONTHLY AND ANY NEEDED MODIFICATIONS ARE MADE.

6. A STRONG, INDIVIDUALIZED ACADEMIC REMEDIATION PROGRAM CONTRIBUTES TO THIS EFFECTIVENESS. YOUTH ENROLLED IN THESE PROGRAMS WERE FUNCTIONING AN AVERAGE OF 2.3 YEARS BELOW THEIR GRADE PLACEMENT LEVEL UPON ENROLLMENT. THE AVERAGE RATE OF ACADEMIC GAIN IN THE PROGRAM IS 3 MONTHS PER MONTH. STANDARDS ARE HIGH. MINIMUM PASSING ON TESTS IS 85% CORRECT.

7. THE PROGRAMS ARE GOAL ORIENTED AND PLACE A HEAVY EMPHASIS ON EVALUATION BOTH ON THE SHORT AND LONG TERM.

8. LINKAGES ARE ESTABLISHED WITH ALL AGENCIES IN THE COMMUNITY SO THAT ALL AVAILABLE RESOURCES CAN BE BROUGHT TO BEAR IN HELPING THE YOUTH AND HIS/HER FAMILY RESOLVE PROBLEMS.

MR. CHAIRMAN, THE C.I.T.Y. CONCEPT CLEARLY SHOWS CRIME AND ITS RELATED COST CAN BE REDUCED BY EFFECTIVELY ADDRESSING THE PROBLEMS OF YOUTH IN THE COMMUNITY THROUGH A COMPREHENSIVE AND COORDINATED EFFORT. BY TAKING AN APPROACH THAT WORKS WITH THE FAMILY TO STRENGTHEN THE FAMILY UNIT, COORDINATES AND UTILIZES LOCAL RESOURCES, AND TEACHES YOUTH HOW TO SUCCEED IN THE COMMUNITY, THE CHANCES OF A PERSON BECOMING A VICTIM OF CRIME ARE GREATLY REDUCED. NOT ONLY DOES THIS APPROACH HAVE A POSITIVE IMPACT ON CRIME, BUT ADDRESSES, BOTH DIRECTLY AND INDIRECTLY, THE PROBLEMS OF SCHOOL VIOLENCE, THE SCHOOL DROPOUT RATE, TEENAGE PREGNANCIES, AND THROUGH THESE, THE WELFARE SYSTEM.

MR. CHAIRMAN, MEMBERS OF THIS MOST IMPORTANT SUBCOMMITTEE, I WANT TO THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU TO DISCUSS WHAT I TRULY BELIEVE IS OUR NATION'S MOST IMPORTANT RESOURCE, OUR CHILDREN.

THE COMMUNITY INTENSIVE TREATMENT FOR YOUTH
(C.I.T.Y.) CONCEPT

INTRODUCTION

From the earliest of time, efforts have been made to control crime in society. It was not until the nineteenth century these efforts began to be called systems - the criminal justice and juvenile justice systems. These systems were developed and promoted by the political structures of the time to control and prevent crime. As different regimes came into control of the political structure, the approach taken to control and prevent crime swung much like a pendelum. The pendelum swings from harsh, repressive control of crime by focusing on the offender to a focus on the social institutions such as family, economic conditions, education, etc. to control crime. Whatever method of crime control used by the ruling party, there inevitably occurs an attack on those methods by the party trying to gain control.

Four essential components comprise the contemporary American criminal justice system: (1) retribution, the punishment of offenders; (2) deterence, the attempt to discourage potential offenders through the threat of retribution; (3) correctional or rehabilitative treatment; and (4) prevention, the implementation of programs intended to combat those psychological and social condtitions throught to be conducive to criminal behavior. In America today the weakest of these is prevention. The prison population in America has almost doubled over the past eight years. The prison population in Alabama has more than doubled over this period from four thousand in 1976 to ten ten thousand today. The cost of this has been staggering. Yet, it has not has that great of an effect on the rate of crime.

Regardless of the changes in thought as to how to best control crime, one element is missing: evaluating the approach being taken at the time in terms of the purpose of the criminal or juvenile justice system which is to reduce crime and therefore reduce a person's chances of being a victim of crime. This lack of honest and meaningful evaluation has led to higher crime, more people incarcerated, and a tremendously high tax expenditure.

The Community Intensive Treatment for Youth (C.I.T.Y.) Concept described on the following pages takes the approach that if we are going to reduce the occurrence of crime and the costs associated with it, we must do the following:

1. identify the characteristics of youth who become involved in the justice system,
2. design the approach to address those indentified characteristics,
3. address the problem at its source, the community, and
4. evaluate the results in terms of new convictions, crime rate in the community, types of crimes occuring in the community, and the impact on costs.

THE PROGRAM

The C.I.T.Y. Concept is in operation in two counties in Alabama, the C.I.T.Y. Program, Etowah and the D.A.Y. (Developing Alabama Youth) Program, Shelby County. In describing this concept, four elements will be covered: (1) characteristics of youth enrolled in the centers, (2) services and training provided the youth enrolled, (3) results, and (4) organizational structure. The C.I.T.Y. Program (Gadsden) opened January 1, 1981 and the Shelby Center opened August 1, 1982.

Demographic Characteristics

As of December 31, 1983, 212 youth had been enrolled in these centers. Most of these youth were referred by the Juvenile or Family Court. However, more of the youth today are referred by the local school systems. Demographic characteristics follow:

1. Enrolled to Date: 212 (152 in Etowah, 60 in Shelby)
2. Age: 13 = 3 (1.4%)
   14 = 16 (7.6%)
   15 = 35 (16.5%)
   16 = 70 (33.0%)
   17 = 60 (28.3%)
   18 = 28 (13.2%)
3. Race: White 151 (71.2%)
   Black 61 (28.8%)
4. Sex: Male 169 (79.7%)
   Female 43 (20.3%)
5. Resides With:
   A. Two Parent Home - 120 (56.6%)
      a. Mother/Father - 48 (22.7%)
      b. Mother/Stepfather - 28 (13.2%)
      c. Father/Stepmother - 3 (1.4%)
      d. Adopthed (Mother/Father - 2 (.9%)
      e. Grandparents - 15 (7.1%)
      f. Foster Parents - 6 (2.8%)
      g. Group Home Setting - 17 (8.0%)
      h. Sister/Brother-in-law - 1 (.5%)

- B. Single Parent Home - 89 (42.0%)
  - a. Mother - 61 (28.8%)
  - b. Father - 12 (5.7%)
  - c. Grandparent - 6 (2.8%)
  - d. Aunt - 4 (1.9%)
  - e. Sister - 2 (.9%)
  - f. Brother - 2 (.9%)
  - g. Cousin - 1 (.5%)
  - h. Friend - 1 (.5%)
- C. Independent - 3 (1.4%)

Only 48 of the 212 enrollees 22.7% reside with their natural parents and 42% reside in single parent homes. Experience has taught us the very basis of the problem lies in the home. By a large majority, these youth come from homes either disfunctional or disrupted.

6. Receives Public Assistance:
   - AFDC - 17 (8.0%)
   - SSI - 54 (25.5%)
   - Both - 12 (5.7%)
   - None - 129 (60.8%)

7. Younger Siblings in the Home:
   - A. yes - 122 (57.5%)
   - B. no - 90 (42.5%)

8. Educational Functional Level in Relation to Grade Level:
   - A. At or above grade level: 31 (14.6%)
   - B. Less than 1 year below: 33 (15.6%)
   - C. More than 1 but less than 2 years below: 53 (25.0%)
   - D. More than 2 but less than 3 years below: 34 (16.0%)
   - E. More than 3 years below: 61 (28.8%)
   - F. Range: 1 year 8 months above - 4 years 3 months below grade placement

Therefore 181 of 212 (85.4%) of these youth were functioning below grade level upon enorllment.

9. Offense History Before Enrollment:
   - A. Offense convictions (Total number of youth)
     - a. none: 51 (24.1%)
     - b. felonies: 63 (29.7%)
     - c. misdemeanors: 52 (24.5%)
     - d. status: 46 (21.7%)
   - B. Total Number of Offense Convictions
     - a. felonies: 101
     - b. misdemeanors: 161
     - c. status: 115
     - d. technical violations: 28
     - e. total offense convictions prior to enrollment: 405
     - f. average 1.9 convictions upon enrollment

These data indicate youth who become involved with the juvenile justice system are 16 year old white males who live in a disfunctional or disruptive home in which there are younger siblings. The majority of these youth (85.4%) are functioning below grade level academically and are experiencing very little success in their lives.

Services and Training Provided

The C.I.T.Y. Program concept is one that has been under development in Alabama since 1972. The program has the following characteristics:

1. Intensified Probation: The concept provides a local comprehensive youth center to be used by the court and probation staff when straight probation is not enough to deal with the youth's problems. This approach provides constant feedback to the court on the progress being made by a youth to be used by the court for further disposition.
2. Non-residential: The youth enrolled in the program continue living at home. This enables the program to work with the home situation in an effort to strengthen the family unit.
3. Co-educational: The program provides services to both male and female youth 12 to 18 years of age, who come to the attention of the court.
4. Individualized Services and Training: Each youth who is enrolled in this program is different. Therefore, the program is designed to meet the needs of individual youth rather than all youth enrolled fitting the needs of the program.

The C.I.T.Y. concept directly provides individualized services and training to each youth in the following areas:

1. Academic Remediation/G.E.D. Training
2. Basic Employment Skill Training
3. Individual, Group, and Family Counseling
4. Social Skill Training
5. Counsumer Education
6. Behavior Change Program

In addition to providing the above services and training directly, each program establishes linkages with other community agencies to obtain services as needed by youth. These agencies include:

1. Community Health Centers
2. Pensions and Securities
3. Mental Health Centers
4. Vocational/Technical Schools
5. Public Schools
6. Junior Colleges
7. Y.M.C.A.

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8. Employment Services
9. Drug Treatment Facilities
10. Volunteer Programs (R.S.V.P.)

Since these programs are located in the community, all the services of local agencies can be utilized rather than duplicating these services by installing these components in the programs, (i.e., the program does not employ a doctor because this is available in the community).

Results

The goals of the C.I.T.Y. Concept are:

1. to reduce the commitment of youth to the State by 50% and thereby reduce the demand for additional institutional bedspace,
2. to demonstrate that less than 20% of youth enrolled will be convicted of new crimes from date of enrollment,
3. to demonstrate that the actual number of case convictions are significantly lower when comparing case convictions after enrollment with case convictions prior to enrollment,
4. to demonstrate 50% less cost in working with these youth when compared with the cost of institutionalization.

A comparison of goals with results shows the following:

1. Commitments to the State
These data are not yet available for 1983 from either the Alabama Department of Youth Services or the Shelby County Court on that county. Therefore, the following is data on the Etowah County center.

Year	Commitments	
1980	51	
1981	19	C.I.T.Y. Program opened 1-1-81
1982	6	
1983	4	

This demonstrates a 92% reduction in commitments over a three year period of time, far exceeding the goal of a 50% reduction in commitments.

2. Convicted of new offenses after enrollment
The goal is that less than 20% of youth enrolled will be convicted of new offenses after enrollment. Follow-up on the 212 youth enrolled show the following:

Type of Offense	Number of Youth	% of Youth Enrolled
None	174	82.1%
Misdemeanors	9	4.2%
Felony	19	9.0%
Status	3	1.4%
Technical Violations	7	3.3%
Total	212	100.0%

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This table demonstrates 82.1% have not been convicted of new offenses, again exceeding the goal of 80% with no repeat offenses. Of the repeaters, 4 have been sentenced to adult prison, 2 have been sentenced to jail, and 5 have been committed to juvenile institutions.

3. Case convictions prior to enrollment vs. case convictions after enrollment (actual number of cases).

Cases Prior to Enrollment		Cases After Enrollment	Difference
Felonies	101	39	-62
Misdemeanors	161	44	-117
Status	115	3	-112
Technical Violations	28	10	-18
Total	405	96	-309

This clearly demonstrates the effectiveness of the concept in preventing repeat offenses by youth enrolled in the program.

4. Costs
   The goal was to demonstrate 50% less cost when this approach is compared with institutionalization. Since data is not yet available on the Shelby center, the report on this factor relates to the Etowah County center. Attachment A clearly shows this approach to be fiscally sound. The Table demonstrates that had the C.I.T.Y. Program not opened and commitments had stayed at the 1980 level of 51, the cost to the State of Alabama to serve the youth of Etowah County would have been $2,320,000.00. Instead, the actual cost over the three year period with the C.I.T.Y. Program was $1,059,000.00, a savings of $1,261,000.00, a 55% reduction in cost.

Other evidence that demonstrates the effectiveness of this concept include the following:

1. There has been a 22% decrease in petitions filed with the court in Etowah County since the program opened in 1981. There has been a 13% decrease in petitions filed with the Shelby County court since the program opened.

2. There has been a 34% decrease in court appearances or court sessions in Etowah County since the program opened. This data not yet available on Shelby County.

3. Child detention days of youth in Etowah County have been reduced 41% from 1414 days prior to the program opening to 838 the last reporting period. This data not yet available on Shelby County.

Organization

Both existing programs are headed by local foundations specifically created to oversee these programs. The Foundations are designed to have fifteen members on its Board of Directors with representatives from business, local agencies, law enforcement, and youth. The organization that developed this concept, Innovative Resources, Inc., is under contract with the local foundations to manage the programs. An annual review of Innovative Resources effectiveness in manageing the programs occurs.

Funding

The Shelby County center is funded 65% by Jobs Training Partnership Act (JTPA) and 35% by the Shelby County School System. The Etowah County center is funded 95% JTPA and 5% locally with movement toward the 35% local contribution. Efforts are underway to obtain 65% funding from the State of Alabama and 35% local.

Awards

This concept received national recognition twice in 1983. The National Coalition for Jail Reform whose membership includes the National League of Cities, American Bar Assocation, etc. designated the C.I.T.Y. Program the National Model for Comprehensive Youth Services Centers. On July 12, 1983, the National Council of Juvenile and Family Court Judges presented this program its award for the Most Innovative and Unique Juvenile Justice Program for 1983.

CONCLUSION

The data presented in this report clearly shows crime and its related costs can be reduced by effectively addressing the problems of youth in the community. By taking an approach that works with the family to strengthen the family unit, coordinates and utilizes local resources, and teaches youth how to succeed in the community, the chances of a person becoming a victim of crime is greatly reduced. Not only does this approach have a positive impact on crime but also addresses the problems of school violence, school dropout rate, teenage preganacy, and indirectly, the welfare system.

Savings Resulting from the Decrease in Commitment of Youth from Etowah County to the Alabama Department of Youth Services

YEAR	Commitments to DYS	Cost Per Youth Served: DYS	Total Cost Had Commitments Stayed at 1980 Level	Actual Cost With C.I.T.Y. Program	Savings
1980	51	$10,000.00			
*1981	19	$12,000.00	$612,000.00	$493,000.00	$119,000.00
1982	6	$16,000.00	$816,000.00	$326,000.00	$490,000.00
1983	4	$17,500.00	$892,000.00	$240,000.00	$652,000.00
Total Cost over 3 years without C.I.T.Y.			$2,320,000.00		
Total Cost over 3 years with C.I.T.Y.				$1,059,000.00	
Total Savings over 3 years					$1,261,000.00

* The C.I.T.Y. Program began in Etowah County on January 1, 1981 and was funded totally by the Comprehensive Employment and Training Act. The local school systems are beginning to share in the cost of this center.

RESPONSE TO A WRITTEN QUESTION SUBMITTED BY SENATOR DENTON

QUESTION: Mr. Earnest, It is my understanding that the C.I.T.Y. Programs are primarily funded by state, local, and private contributions. Would federal funding assist you in duplicating these successful programs in other areas? And if so, what role should federal funding take in continuing the programs once started?

ANSWER: Yes, federal funding would be extremely beneficial in establishing centers in new locations.

If there could be federal assistance during the first two years of the life of a center, the state and local governments would realize more than enough savings to justify their funding of the centers. I would suggest the following approach:

Life of Center	Fed. Contribution	State Contribution	Local Contribution
Year 1	100%	0%	0%
Year 2	50%	50%	0%
Year 3 & Thereafter	0%	65%	35%

I believe federal assistance should cease after two years, or perhaps a center could receive federal support for three years with the stipulation that the federal contribution would not exceed 50% of the cost over the three year period.

Senator DENTON. Thank you, Mr. Earnest.

And thank you, Mr. Chairman, for allowing Mr. Earnest to testify. I must say that I had heard about the success of this program from many parts of my State. And I thought that after further looking into it, that it did deserve review by this subcommittee. And I am grateful that you have honored my request to have Mr. Earnest testify.

Senator SPECTER. Thank you very much, Senator. It has been very, very interesting.

We are going to take a very short pause. But while we do, I would like to call our next three witnesses to come forward at the same time, June Bucy; Bill Treanor; and we will hear from Barbara Fruchter after that.

Welcome.

Mrs. Fruchter, you are joining us now, fine.

Let us begin with you, Ms. Bucy. We welcome you here. We very much appreciate you being with us.

All transcripts of testimony, ladies and gentlemen, will be made part of the record. We would appreciate it if you would summarize them to the extent that you can.

STATEMENT OF PANEL CONSISTING OF JUNE P. BUCY, CHIEF EXECUTIVE OFFICER, NATIONAL NETWORK OF RUNAWAY AND YOUTH SERVICES, ON BEHALF OF THE NATIONAL COLLABORATION FOR YOUTH; WILLIAM W. TREANOR, EXECUTIVE DIRECTOR, NATIONAL YOUTH WORK ALLIANCE, WASHINGTON, DC; AND BARBARA FRUCHTER, EXECUTIVE DIRECTOR, JUVENILE JUSTICE CENTER, PHILADELPHIA, PA

Ms. BUCY. Thank you, Senator Specter.

I am very pleased to testify today on behalf of the National Collaboration for Youth. I want to thank you personally for the opportunity to testify this morning and to thank you and the other members of the subcommittee for your diligent support of reauthorization.

The National Collaboration for Youth member agencies who are listed below strongly support reauthorization of the Juvenile Justice and Delinquency Prevention Act as incorporated in S. 2014, the Missing Children's Assistance Act.

The National Collaboration for Youth is comprised of 14 national, private, nonprofit agencies reaching over 25 million children and youth with programs and services designed to foster the development of each individual work toward productive, fulfilling, and responsible adulthood.

For the past 10 years or more, our respective organizations have actively supported a Federal leadership role in juvenile justice and an emphasis on the prevention of delinquency.

The National Collaboration for Youth worked for the first authorization of OJJDPA and the reauthorization and amendments in 1977 and 1980. We have participated in the implementation. We have consistently encouraged the Congress to recognize the ongoing necessity of Federal leadership in this area and have consistently urged the executive branch to implement the act fully and in line with the congressional intent, which we understand to be developing workable alternatives to the court system for noncriminal youth, establishing community services for runaways, and other youths at risk, removing children from adult jails and coordinating Federal efforts in the juvenile justice system.

The National Collaboration urges your continued support for this emphasis on prevention. We will be submitting more detail in a written statement.

A couple of weeks ago in Phoenix, the National Collaboration drew up a statement particularly referring to title III of this act, the Runaway and Homeless Youth Act. Our position is that "there should be a crisis intervention capacity in each community for runaway and homeless youth." This statement is based on our knowledge and concern for youth and coincides with the very positive evaluations the runaway programs have received from the GAO and from the inspector general of HHS in very recent surveys.

I would like also to add something from the national network. I became interested in juvenile justice work back in 1959 when I chaired a study group for the League of Women Voters in Texas on juvenile justice. We worked with the Texas laws and the policies that were in effect at that time. Since 1970 I have been working professionally with runaway youth directing a program in Galveston, TX, for many years before coming to the national network staff. The shelters deal with children that fall into all three parts of this law.

We are very much in favor of the legislative packaging, you have done in this legislation. The same young people are often in contact with the law enforcement system as well as being missing children, and they may presently be called runaways. Our programs throughout the country have community contacts with the law enforcement system, and other human service systems. We know the technology of working with high-risk youths and troubled families, and have the type of counseling skills that enable us to help people under stress.

We feel that S. 2014 represents a first and major step in the coordination of services to these unique populations.

Mr. Chairman, our national network also wants again to express deep appreciation to you for your diligent efforts in working for title III programs to enable them to reach their full authorization funding of $25 million.

We know that you have worked very hard for that since you have been in the Congress. Regrettably full funding has not been a reality yet and the proposed administration budget for fiscal year 1983 reflects a $12.8 million reduction despite the fact that only some 10 percent of runaways and homeless youths that do need shelter and services are getting them.

S. 2014 in effect proposes maintenance of the authorization level of $25 million through September 1988. We feel that that is inadequate to provide for new programs in unserved and underserved areas. We will be submitting further written testimony. That testimony will detail why we feel that $25 million for fiscal year 1984, $30 million for fiscal year 1985, $40 million for fiscal year 1986, $50 million for fiscal year 1987, and $60 million for fiscal year 1988 will be appropriate levels for funding, permit reasonable expansion of programs, and enable worthwhile research and demonstration initiatives.

Senator SPECTER. Ms. Bucy, we have your full statement. We will make it part of the record.

[The prepared statement of Ms. Bucy and the statement of the National Collaborator for Youth follow:]

Prepared Statement of June Bucy

GOOD MORNING, MR. CHAIRMAN, I AM JUNE BUCY, CHIEF EXECUTIVE OFFICER OF THE NATIONAL NETWORK OF RUNAWAY AND YOUTH SERVICES, INC., AND I AM PLEASED TO TESTIFY ON BEHALF OF THE NATIONAL COLLABORATION FOR YOUTH. I WANT TO THANK YOU PERSONALLY, MR. CHAIRMAN, FOR THE OPPORTUNITY TO TESTIFY THIS MORNING ON S. 2014 AND ALSO TO THANK YOU AND THE OTHER MEMBERS OF THE SUBCOMMITTEE FOR YOUR DILIGENT SUPPORT OF REAUTHORIZATION.

THE NATIONAL COLLABORATION FOR YOUTH MEMBER AGENCIES LISTED BELOW STRONGLY SUPPORTS REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AS INCORPORATED IN S.2014,THE MISSING CHILDREN'S ASSISTANCE ACT. THE NATIONAL COLLABORATION FOR YOUTH IS COMPRISED OF 14 NATIONAL PRIVATE NON-PROFIT AGENCIES REACHING OVER 25 MILLION CHILDREN AND YOUTH WITH PROGRAMS AND SERVICES DESIGNED TO FOSTER THE DEVELOPMENT OF EACH INDIVIDUAL TOWARD PRODUCTIVE, FULFILLING, AND RESPONSIBLE ADULTHOOD.

FOR THE PAST TEN YEARS, OUR RESPECTIVE ORGANIZATIONS HAVE ACTIVELY SUPPORTED A FEDERAL LEADERSHIP ROLE IN JUVENILE JUSTICE AND AN EMPHASIS ON THE PREVENTION OF DELINQUENCY. OUR MANY YEARS' EXPERIENCE WORKING WITH TENS OF MILLIONS OF YOUNG PEOPLE LED TO OUR PRIORITY CONCERN FOR THOSE YOUTH INVOLVED IN JUVENILE JUSTICE SYSTEMS, AND THOSE WHOSE ENVIRONMENT AND BEHAVIOR MADE FUTURE INVOLVEMENT LIKELY. PASSAGE OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT IN 1974 LARGELY HAD ITS ROOTS IN THAT WIDELY SHARED CONCERN.

FOLLOWING PASSAGE OF THE ACT, OUR ORGANIZATIONS, AND SEVERAL OTHERS JOINED TOGETHER IN 1975 AS THE NATIONAL JUVENILE JUSTICE PROGRAM COLLABORATION TO WORK FOR AND WITH YOUTH AT RISK. THE FIRST FOCUS WAS ON STATUS OFFENDERS-- THOSE CHILDREN AND YOUTH WHOSE OFFENSES, SUCH AS TRUANCY, OR RUNNING AWAY, WOULD NOT BE CRIMINAL IF COMMITTED BY ADULTS. IF THESE YOUTH WERE NO LONGER TO BE HELD IN SECURE DETENTION, IN LOCKUPS, JAILS, OR TRAINING SCHOOLS, WHERE SHOULD THEY GO? HOW COULD POTENTIAL DELINQUENTS BE DIVERTED FROM THE COURT SYSTEM TO BEGIN WITH? FOR THREE YEARS, THE NATIONAL JUVENILE JUSTICE PROGRAM COLLABORATION WORKED ON ANSWERS TO THESE QUESTIONS THROUGH IDENTIFYING ALTERNATIVE TO INSTITUTIONALIZATION, AND RECOGNIZING THE NEED FOR COLLABORATIVE EFFORTS TO PROVIDE ADEQUATE COMMUNITY-BASED SERVICES.

LOCAL COLLABORATIVE EFFORTS BEGAN IN FIVE SITES. MANY OTHERS FOLLOWED, BRING ALTERNATIVE PROGRAMS, SUPPORTIVE SERVICES, AND POSITIVE DEVELOPMENTAL EXPERIENCES TO YOUTH IN NEED. EACH EFFORT LED TO OTHERS THROUGH TRAINING AND DISSEMINATION OF PROGRAM MODELS. THROUGHOUT THE PAST DECADE, LOCAL AFFILIATES OF COLLABORATION AGENCIES HAVE CONTINUED THEIR WORK WITH SUCH YOUNG PEOPLE.

THE NATIONAL COLLABORATION FOR YOUTH HAS ALSO CONTINUED TO WORK WITH CONGRESS AND THE ADMINISTRATION ON REAUTHORIZATION AND AMENDMENTS OF THE ACT IN 1977 AND 1980, ON ITS APPROPRIATIONS, AND ON ITS IMPLEMENTATION. WE HAVE CONSISTENTLY ENCOURAGED THE CONGRESS TO RECOGNIZE THE ONGOING NECESSITY OF FEDERAL LEADERSHIP IN THIS AREA AND HAVE CONISTENTLY URGED THE EXECUTIVE BRANCH TO IMPLEMENT THE ACT FULLY AND IN LINE WITH CONGRESSIONAL INTENT:TO DEVELOP WORKABLE ALTERNATIVES TO THE COURT SYSTEM FOR NONCRIMMINAL YOUTH, TO ESTABLISH COMMUNITY SERVICES FOR RUNAWAYS AND OTHER YOUTH AT RISK, TO REMOVE JUVENILES FROM ADULT JAILS AND TO COORDINATE FEDERAL EFFORTS IN JUVENILE AND DELINQUENCY PREVENTION.

AFTER TEN YEARS OF EFFORT, MARKED IMPROVEMENTS ARE EVIDENT IN MANY STATE AND LOCAL PRACTICES; HOWEVER, EACH YEAR 479,000 JUVENILES ARE STILL INCARCERATED IN ADULT JAILS, BETWEEN 40,000 AND 90,000 STATUS OFFENDERS ARE CONFINED IN SECURE DETENTION, AND 50,000 TO 100,000 CHILDREN ARE ABDUCTED AND MISSING AND 1.5 MILLION CHILDREN ARE RUNAWAYS AND/OR HOMELESS.FEDERAL ATTENTION IS ESSENTIAL TO CHANGING THESE TRAGIC FACTS.

THE NEED CONTINUES, AT STREET CORNERS AND CROSSROADS, IN URBAN CENTERS AND RURAL COUNTIES. THE SERVICES OF OUR AGENCIES CONTINUE, IN COOPERATION WITH STATE AGENCIES, UNITS OF LOCAL GOVERNMENT, AND OTHER COMMUNITY GROUPS, IMPROVING WITH FURTHER EXPERIENCE. INCENTIVES AND LEADERSHIP AT THE FEDERAL LEVEL, AS PROVIDED BY THE JUVENILE JUSTICE DELINQUENCY PREVENTION ACT, MUST ALSO CONTINUE.

THE NATIONAL COLLABORATION FOR YOUTH URGES YOUR SUPPORT OF S. 2014 AND WILL BE SUBMITTING MORE DETAILED WRITTEN TESTIMONY TO THE SUBCOMMITTEE.

THE COLLABORATION IS READY TO WORK HARD TO INSURE THE PASSAGE OF THIS LEGISLATION.

MEMBER AGENCIES OF
THE NATIONAL COLLABORATION FOR YOUTH
SUPPORTING S. 2014

AMERICAN RED CROSS

BIG BROTHERS/BIG SISTERS OF AMERICA

BOY SCOUTS OF AMERICA

BOYS CLUBS OF AMERICA

CAMP FIRE, INC.

FUTURE HOMEMAKERS OF AMERICA

GIRL SCOUTS OF THE U.S.A.

GIRLS CLUBS OF AMERICA

NATIONAL BOARD, YWCA OF THE U.S.A.

THE NATIONAL NETWORK OF RUNAWAY AND YOUTH SERVICES, INC.

NATIONAL YOUTH WORK ALLIANCE

YMCA OF THE U.S.A.

STATEMENT OF THE NATIONAL COLLABORATION FOR YOUTH

This testimony is being submitted in support of the statement made by June Bucy, Chief Executive Officer of The National Network of Runaway and Youth Services, who spoke on behalf of the National Collaboration for Youth before the Senate Subcommittee on Juvenile Justice on March 13, 1984.

The National Collaboration for Youth member agencies listed below strongly support reauthorization of the Juvenile Justice and Delinquency Prevention Act as incorporated in S. 2014, the Missing Children's Assistance Act. The National Collaboration for Youth is comprised of 14 national, private, nonprofit agencies reaching over 25 million children and youth with programs and services designed to foster the development of each individual toward productive, fulfilling, and responsible adulthood.

Federal Leadership in Delinquency Prevention

For the past ten years, our respective organizations have actively supported a federal leadership role in juvenile justice and an emphasis on the prevention of delinquency. Our many years' experience of working with tens of millions of young people led to our priority concern for those youth involved in juvenile justice systems, and those whose environment and behavior made future involvement likely. Passage of the Juvenile Justice and Delinquency Prevention Act in 1974 largely had its roots in that widely shared concern.

Status Offenders and Community-Based Alternatives to Institutionalization

Following passage of the Act, our organizations, and several others, joined together in 1975 as the National Juvenile Justice Program Collaboration to work for and with youth at risk.

The first focus was on status offenders - those children and youth whose offenses, such as truancy, or running away, would not be criminal if committed by adults. If these youth were no longer to be held in secure detention, in lockups, jails or training schools, where should they go? How could potential delinquents be diverted from the court system to begin with? For three years, the National Juvenile Justice Program Collaboration worked on answers to these questions through identifying alternatives to institutionalization, and recognizing the need for collaborative efforts to provide adequate community-based services.

Local collaborative efforts began in five sites. Many others followed, bringing alternative programs, supportive services, and positive developmental experiences to youth in need. Each effort led to others through training and dissemination of program models. Throughout the past decade, local affiliates of Collaboration agencies have continued their work with such young people.

o In Tuscon, Arizona, the Tucson Area Campfire Council works with teenagers who are status offenders, troubled, or at-risk. These youth are paired with caring adults and the two become a "leadership team" for Camp Fire clubs. Youth co-leaders are paid a stipend for their work. They learn leadership and planning skills while they are giving real service to children in their neighborhoods. Since they are role models for young boys and girls, the teen co-leaders improve their own self-image.

o The National Capital Area YWCA "Tower" program is a group home program for female youth adjudicated by the courts as persons in need of supervision. While residents of the program, the youth attend school, hold part-time employment, participate in counseling, vocational preparation and lifeskills training, and community and social activities.

o Boys Clubs of America , through a recent OJJDP grant, will be providing delinquency prevention and intervention services for 75 Boys Clubs in ten (10) metropolitan areas and other municipalities. Three thousand seven hundred fifty (3,750) targeted youth, who are either at-risk or have already been involved in the juvenile justice system, will be served throughout this endeavor.

o Juvenile justice continues to be one of the major program priorities of the Girls Clubs of America, Inc. At the present time, local member organizations offer juvenile justice programs in several areas: delinquency prevention; law-related education; court diversion and alternatives-to-detention programs; and specialized programs for girls on probation. For example, the Portsmouth, Virginia Girls Club operates a "Pals on Probation" program in cooperation with the local juvenile court; the program matches girls on probation with Girls Club members in an effort to mainstream the court referral into existing Club activities.

Recommended Continued Emphasis

The National Collaboration for Youth has continued to work with Congress and the administration on reauthorization and amendments of the Act in 1977 and 1980, on its appropriations, and on its implementation. We have consistently encouraged the Congress to recognize the ongoing necessity of federal leadership in this area and have consistently urged the executive branch to implement the Act fully and in line with Congressional intent: to develop workable alternatives to the court system for noncriminal youth, to establish community services for runaways and other youth-at-risk, to remove juveniles from adult jails, and to coordinate federal efforts in juvenile and delinquency prevention.

Runaway and Homeless Youth Act

The National Collaboration supports the "legislative packaging" of S. 2014 that includes juvenile justice, missing children's services and runaway and homeless youth. Many of the young people served by The Runaway and Homeless Youth Act (Title III) shelters and projects are or have been involved in the juvenile justice system or have been reported as "missing." Furthermore, these shelters and programs have the community contacts with the law enforcement system and other human service agencies, know the technology of working with high-risk and troubled youth, and have the types of counseling skills to work with families that are under severe stress or are dysfunctional.

In FY 1982 (the most recent data available), the Title III centers sheltered 44,000 youth for at least one night and served an additional 133,000 one-time drop-in youth. Even if generous estimates are made [illegible] the number of runaway and homeless youth served by non-Title [illegible] programs, it still is the case that less than 30 percent of this at-risk youth population are getting the services that they need. Two examples of services to this population being provided by Collaboration members are:

- The National Network of Runaway and Youth Services' affiliate Voyage House was established in 1971 as Pennsylvania's first runaway and homeless youth center. The center provides a 24-hour hotline service, an emergency shelter, individual and family counseling, long-term residential care, after-care and referral services. It has recently started a new advocacy and prevention neighborhood-based program of parent and youth self-help groups, as well as peer outreach strategies. This program focuses on early intervention and helps strengthen family ties before the running ever starts.

o The YMCA Louisville, Kentucky Center for Youth Alternatives which was established in 1976 to provide help for runaway children and other youth in crisis. Residential services are provided annually for over 600 youth, most between the ages of 15 and 18. Two residential programs are operated and help is provided for any youth at any time, regardless of the place of their origin or nature of their problems and the development of realistic alternatives. All programs focus on developing self-confidence and improving self-esteem, improving decision-making skills, and re-establishing communication with parents and friends.

Progress But the Need Continues

After ten years of effort, marked improvements are evident in many state and local practices; however, each year, 479,000 juveniles are still incarcerated in adult jails, between 40,000 and 90,000 status offenders are confined in secure detention, and 50,000 to 100,000 children are abducted and missing and 1.5 million children are runaways and/or homeless. Federal attention is essential to changing these tragic facts.

The need continues for juvenile delinquency prevention and runaway programs as well as an organizaed effort to respond to the problem of missing children. Several Collaboration agencies providing services in this latter area are:

o The Senior Girl Scout troop 218 of Lewisburg, Tennessee, in Cumberland Valley Girl Scout Council, decided to address the problem of missing children in America after being inspired by a recent television film, "Adam."

They solicited and received aid from the Lewisburg Police Department, the Marshall County Elementary School, the local PTA, and the Future Teachers of America, who arranged for area children in kindergarten through third grade to be fingerprinted.

This project received tremendous public support, and the girls believe they are helping to combat the tragic problem of missing children.

o The American Red Cross, Dane County Chapter, Wisconsin, Child Identification Program is a two-part service available to all Dane County children between the ages of two and17. The first part is an identification card for information such as name, address, birthdate, lock of hair, school photo, etc., with space available for fingerprints. The second part involves educating the parent/guardian about the importance of such information and the need for updating the information on a yearly basis. Red Cross volunteers are trained to do the fingerprinting and to assist parents in the completion of the needed information. During November and December, 1983, approximately 1,500 children have been fingerprinted and have received I.D. cards. The program has the potential to reach 25,000 young people in the city of Madison.

As stated, the need continues - at street corners and crossroads, in urban centers and rural counties. The services of our agencies continue, in cooperation with state agencies, units of local government, and other community groups, and improving with further experience. Incentives and leadership at the federal level, as provided by the Juvenile Justice Delinquency Prevention Act, must continue. Adequate authorization levels are essential.

In conclusion, the National Collaboration for Youth thanks you for the opportunity to testify and urges your support of S. 2014.

The Collaboration pledges to work with you to insure passage of this legislation. Additional examples of Collaboration experience in the area of juvenile delinquency prevention, runaway and homeless youth, and missing children's programs can be provided upon request.

Senator **Specter**. Mr. Treanor, we welcome you and would like to hear from you.

STATEMENT OF WILLIAM W. TREANOR

Mr. **Treanor**. On behalf of the National Youth Work Alliance of the Youth Services Agency, I want to thank you for the opportunity to be here before the subcommittee in support of S. 2014.

Senator **Specter**. We especially appreciate your being here, Mr. Treanor, thank you for all the services you have given the Juvenile Justice Subcommittee over the many years and as a volunteer. We appreciate your help.

Mr. **Treanor**. Thank you.

Ed Earnest, who testified earlier today, and we will hear from Barbara Fruchter, both are from the community-based youth programs that our agency represents here in Washington. I just want to bring a couple of points to your attention this morning.

One is that the Youth Work Alliance completely supports your bills S. 2021 and S. 520, S. 521 and S. 522, as well as S. 2014. The Juvenile Justice Act as is currently drafted is a good piece of legislation. I think it could use a little improvement given some of the current problems that the office is experiencing.

However, as you have pointed out to me on occasion, the complete prohibition of the use of adult jails for juveniles and the prohibition of the use of secure detention for status offenders would cut through some of the bureaucratic haze that surrounds juvenile justice at the national level, and I think have very positive results on services to young people and on crime control.

I want to commend you for your efforts on behalf of the Juvenile Justice community, keeping the appropriation at the $70 million level over the last couple of years, and the increase in the runaway youth appropriation, and finally urge that you look closely at the relationship between the Missing Children's Assistance Act and Runaway Youth Act.

We do not want to use the Missing Children's Assistance Act as a way to crack down on programs that are working with runaways. They are supposed to be complementary programs, and not have an adversarial relationship.

Finally, Senator, my organization is concerned about the current administration in the office of Juvenile Justice. I have discussed that in some detail with a number of people on your staff. I really feel that the current program plan of the office, the current priorities of the office, how the office is spending its money and being administered bears close oversight. It has been the subject of numerous newspaper articles across the country. And the office is in danger of losing the credibility that it has built up over the years through the Ford, Carter, and early Reagan administrations.

We would very much not like to lose this program, not like to lose the Federal leadership. And I am afraid if we have another year like the year just past, that is exactly what is going to happen.

Senator **Specter**. Thank you. We very much appreciate your suggestions here.

[The prepared statement of Mr. Treanor follows:]

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PREPARED STATEMENT OF WILLIAM W. TREANOR

MR. CHAIRMAN, ON BEHALF OF THE NATION'S COMMUNITY-BASED YOUTH SERVICE AGENCIES, I WANT TO THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE THE U.S. SENATE SUBCOMMITTEE ON JUVENILE JUSTICE IN SUPPORT OF S. 2014. THE NATIONAL YOUTH WORK ALLIANCE HAS ACTIVELY SUPPORTED THE FULL IMPLEMENTATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AND THE RUNAWAY AND HOMELESS YOUTH ACT SINCE THEY WERE AUTHORIZED BY CONGRESS IN 1974. I AM PROUD TO HAVE BEEN AMONG THE FIRST TO BRING THE PROBLEM OF RUNAWAY YOUTH TO THE ATTENTION OF THE SENATE IN 1970 AND RECENTLY TO HAVE SUCCESSFULLY URGED CONGRESS TO INTRODUCE THE MISSING CHILDREN'S ASSISTANCE ACT. THE NATIONAL YOUTH WORK ALLIANCE AND OUR MEMBER AGENCIES HAVE HAD AN EXTENSIVE AND POSITIVE IMPACT ON ALL THREE TITLES OF THE LEGISLATION BEFORE THE SUBCOMMITTEE TODAY AND LOOK BACK WITH PRIDE ON OUR ELEVEN YEARS OF YOUTH ADVOCACY EFFORT.

BUT THE ALLIANCE'S PRIDE IN THE ACCOMPLISHMENTS OF THE JUVENILE JUSTICE ACT ARE TODAY TEMPERED BY A GROWING SENSE OF UNEASE, DISTRESS, AND OCCASIONALLY, DISBELIEF IN THE CURRENT ADMINISTRATION OF THE OFFICE OF JUVENILE JUSTICE. WHEN OJJ ADMINISTRATOR ALFRED S. REGNERY APPEARED BEFORE THE HOUSE SUBCOMMITTEE ON HUMAN RESOURCES ON DECEMBER 16, 1982, HE SAID, "I THINK THAT THE JJDP MONEY CAN BE VERY WELL SPENT. I INTEND TO DO THAT." HE WENT ON TO ADD, "IT CERTAINLY HAS THE POTENTIAL OF DOING GREAT THINGS AND AS LONG AS THE CONGRESS AND THE ADMINISTRATION CONTINUE IT [JJDP], I PLAN TO RUN IT THAT WAY."

IN THE FIFTEEN MONTHS SINCE MR. REGNERY UTTERED THOSE WORDS, HE HAS SPENT JUVENILE JUSTICE AND DELINQUENCY PREVENTION FUNDS ON PROJECTS THAT ARE OF A DUBIOUS, EVEN FRIGHTENING, NATURE. HIS SINGULAR LACK OF JUDGEMENT IN EVERYTHING FROM BUMPER STICKERS TO JUVENILE JUSTICE STANDARDS HAS RAISED THE PROFILE OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION BUT, I BELIEVE, NOT IN

THE WAY CONGRESS INTENDED. JACK ANDERSON'S COLUMN ON THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION LAST WEEK WAS HIS FOURTH ON THE SUBJECT OF MR. REGNERY'S ADMINISTRATION. DOZENS OF NEGATIVE STORIES HAVE APPEARED IN GANNETT NEWSPAPERS, THE CHICAGO TRIBUNE, SEVERAL WISCONSIN NEWSPAPERS, THE NEW YORK TIMES, NEWSWEEK, AS WELL AS ON TV AND RADIO. IT IS BAD ENOUGH THAT THE MEDIA REGULARLY SENSATIONALIZES THE LEVEL OF SERIOUS JUVENILE CRIME, BUT NOW COMES THE ADDED INSULT THAT ALL THE NEWS FROM WASHINGTON ON HELPING YOUNG PEOPLE IN TROUBLE IS OF WASTE, LOOMING SCANDAL, AND A VITROLIC ANTI-YOUTH POLICY. THE LARGELY SUCCESSFUL WORK DONE BY COMMUNITY-BASED YOUTH SERVICE AGENCIES IS TOO OFTEN IGNORED BY THE MEDIA.

BUT, IN ALL FAIRNESS, WHO COULD PASS UP NEWS LIKE THIS:

> A $98,300 SWEETHEART PROPOSAL TO WRITE A BOOK ON JUVENILE JUSTICE REFORM: A BLUEPRINT. THE PROPOSAL WAS SUBMITTED BY A FORMER SENATE STAFF COLLEAGUE OF MR. REGNERY WHO HAS SHOWN NO INTEREST BEFORE OR SINCE IN JUVENILE JUSTICE. THE MAIN BENEFICIARIES OF THIS ARRANGEMENT WERE MR. REGNERY'S FRIENDS AND HIS FAMILY PUBLISHING COMPANY. ANOTHER MORE RECENT EFFORT TO AID THE REGNERY PUBLISHING COMPANY IS NOW BEING CONSIDERED BY THE OFFICE OF JUVENILE JUSTICE.
>
> A $495,000 GRANT TO THE UNIVERSITY OF SOURTHERN CALIFORNIA TO EXAMINE EAR LOBES AND TOES AS THE LONG ILLUSIVE PREDICTOR OF JUVENILE DELINQUENCY.

THESE TWO GRANTS WERE DERAILED BECAUSE OF ADVERSE PUBLICITY. TAX PAYERS AND JUVENILE JUSTICE WORKERS WERE NOT SO FORTUNATE IN SOME OTHER CASES.

1. A $798,531 GRANT TO A FORMER SCRIPT WRITER FOR CAPTAIN KANGAROO TO PROVE THROUGH A HOCUS POCUS PROCESS THAT INCEST, EVEN THE MURDER OF CHILDREN, IS CAUSED BY READING PLAYBOY MAGAZINE. MR. CHAIRMAN I DON'T KNOW WHETHER TO LAUGH OR CRY ABOUT

THIS GRANT, BUT I ASK YOU TO CONSIDER THAT THIS $800,000 RIP-OFF REPRESENTS OVER ONE PERCENT OF ALL FUNDS APPROPRIATED IN FY '84 FOR THE JUVENILE JUSTICE ACT.

2. RECENTLY MR. REGNERY AWARDED A NON-COMPETITIVE $4.2 MILLION GRANT TO PEPPERDINE UNIVERSITY IN LOS ANGELES FOR A SO-CALLED NATIONAL SCHOOL SAFETY NETWORK. IRONICALLY HE HAD PREVIOUSLY ELIMINATED A PROGRAM THAT DEALT EFFECTIVELY WITH THIS ISSUE THROUGH IMPROVING THE CLIMATE OF PUBLIC HIGH SCHOOLS. AT HIS SENATE CONFIRMATION HEARDINGS, MR. REGNERY, A SELF-PROCLAIMED ADVOCATE OF STATES RIGHTS, TOLD THE SENATE JUDICIARY COMMITTEE, "THEY [THE STATES] FOUND SIMPLY THAT MUCH OF THE ASSISTANCE WAS OF MINIMAL VALUE, AND WE THOUGHT WE COULD GET MORE VALUE FOR OUR MONEY BY PUTTING IT ELSEWHERE." ELSEWHERE TURNED OUT TO BE A DEFEATED CANDIDATE FOR CALIFORNIA ATTORNEY GENERAL, GEORGE NICHOLSON AND HIS POLITICAL ENTOURAGE. OUR NEW INSTANT SCHOOL VIOLENCE EXPERT WILL BE PAID $75,000 PER YEAR TO UNDERTAKE WORK SIMILAR TO THAT WHICH WAS CUT LAST YEAR BY MR. REGNERY. MR. NICHOLSON IS CHARGED WITH THE ADDITIONAL TASK OF AIDING PARENTS AND SCHOOLS IN EXPELLING UNRULY STUDENTS. THIS IS, I BELIEVE, A COMPLETE PERVERSION OF CONGRESSIONAL INTENT IN PASSING AND FUNDING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT. WE NEED TO PREVENT AND TREAT DISRUPTIVE AND EVEN VIOLENT BEHAVIOR, NOT JUST MOVE IT OUT OF THE CLASSROOM AND INTO THE STREET.

THESE ARE JUST SOME OF THE INSTANCES OF POOR JUDGEMENT ON THE PART OF THE CURRENT OFFICE OF JUVENILE JUSTICE ADMINISTRATION. THESE NON-COMPETITIVE GRANTS ARE ILLUSTRATIVE OF A PATTERN THAT HAS CAUSED THE OFFICE TO LOSE THE POSITIVE MOMENTUM IT BUILT UP DURING THE FORD, CARTER, AND EARLY REAGAN ADMINISTRATION. IN A NUMBER OF AREAS, SUCH AS JUVENILE JUSTICE STANDARDS, TRAINING, RESEARCH, AND THE ENTIRE SPECIAL EMPHASIS PROGRAM, GOOD SOLID RESULTS-ORIENTED EFFORTS HAVE BEEN SABOTAGED IN FAVOR OF NON-COMPETITIVE SWEETHEART

DEALS WHICH MOCK GOVERNMENT REGULATIONS AND OUR FREE ENTERPRISE SYSTEM. THESE GRANTS OFTEN HAVE LITTLE TO DO WITH THE MISSION OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

MR. CHAIRMAN, THE NATIONAL YOUTH WORK ALLIANCE SUPPORTS BOTH S. 2014 AND THE HOUSE VERSION OF THE JUVENILE JUSTICE ACT REAUTHORIZATION, H.R. 4971. REVIEW OF H.R. 4971 IS QUITE FAVORABLE. IT OFFERS THE HOPE OF GETTING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT BACK ON ITS PRO-YOUTH AND FAMILY COURSE. I URGE THAT YOU SERIOUSLY CONSIDER SUPPORTING MANY OF THE CHANGES IN THE ACT CONTAINED IN THE HOUSE VERSION.

I DO WANT TO MENTION SEVERAL PROVISION OF H.R. 4971 WHICH I THINK WILL AID IN THE IMPROVEMENT OF THE JUVENILE JUSTICE MANAGEMENT AND DELIVERY SYSTEM.

FIRST IS THE BAN ON BIO-MEDICAL RESEARCH. THIS TYPE OF RESEARCH, IF UNDERTAKEN AT ALL, SHOULD BE CONDUCTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, WITH ITS PRESTIGIOUS HEALTH INSTITUTIONS AND ITS COMMITMENT TO THE STRINGENT PROTECTION OF HUMAN SUBJECTS. WHILE A CASE CAN BE MADE FOR SOME NON-COMPETITIVE GRANTS -- THE NATIONAL YOUTH WORK ALLIANCE HAS RECEIVED SEVERAL -- SUCH POOR JUDGEMENT HAS BEEN MADE RECENTLY THAT THE RESTRICTIONS OF H.R. 4971 ARE NOW NECESSARY.

GIVEN THIS RECENT CHAIN OF EVENTS, PERHAPS THE MOST IMPORTANT FEATURE OF H.R. 4971 IS THE CURTAILING OF THE ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION'S DISCRETIONARY POWERS. WITHOUT THOSE NOW NECESSARY CONTROLS, I FEAR THAT SUPPORT FOR THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT APPROPRIATION WILL FADE OVER THE NEXT DEW YEARS. THIS WOULD BE PARTICULARLY UNFORTUNATE BECAUSE THE STATE FORMULA GRANTS PROGRAM CONTINUES TO DO WELL, AS WE HEARD THIS MORNING FROM MR. ED EARNEST OF INNOVATIVE RESOURCES, BIRMINGHAM, ALABAMA, A MEMBER OF THE NATIONAL YOUTH WORK ALLIANCE. IN GREAT PART THAT IS A CREDIT TO THE GOVERNORS'

AND THE STATE JUVENILE JUSTICE ADVISORY COMMITTEES' HARD WORK AND SUPPORT FOR AN IMPROVED YOUTH SERVICE SYSTEM.

THE SAME CANNOT BE SAID FOR THE FEDERAL COODRINATING COUNCIL AND THE NATIONAL ADVISORY COMMITTEE. ONE CAN ONLY WONDER WHAT THE NATIONAL ADVISORY COMMITTEE HAS BEEN DOING SINCE ITS BELATED APPOINTMENT BY THE PRESIDENT. THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT IS NOW BEING REAUTHORIZED, YET THEY HAVE NOT MADE ANY RECOMMENDATIONS TO CONGRESS ON THE SUBJECT. SINCE THEY DON'T APPEAR TO BE ADVISING ANYONE, A LITTLE "BEHAVIOR MODIFICATION" MAY BE IN ORDER HERE BY CUTTING FUNDING AVAILABLE TO THE NATIONAL ADVISORY COMMITTEE BY AT LEAST SIXTY PERCENT.

THE YOUTH WORK ALLIANCE HAS AND CONTINUES TO OPPOSE THE "VALID COURT ORDER" EXEMPTION FOR DETAINING STATUS OFFENDERS. IT IS AN UNNEEDED AND COUNTERPRODUCTIVE FEATURE OF THE JUVENILE JUSTICE SYSTEM. IF, HOWEVER, WE MUST LIVE WITH IT FOR ANOTHER FIVE YEARS, CERTAINLY ASSURING YOUNG OF THEIR FULL DUE PROCESS RIGHTS IS WARRANTED. WE SUPPORT S. 520 WHICH WOULD BAR THE INCARCERTATION OF STATUS OFFENDERS. THE ALLIANCE CONTINUES TO OPPOSE THE USE OF ADULT JAILS FOR ANY JUVENILES UNDER ANY BUT THE RAREST OF CIRCUMSTANCES, AND WE THEREFORE SUPPORT S. 522 WHICH OUTLAWS THE PRACTICE OF USING ADULT JAILS FOR JUVENILES.

THE NATIONAL YOUTH WORK ALLIANCE STRONGLY SUPPORTS THE NEED OF A NATIONAL CONFERENCE OF STATE JUVENILE JUSTICE ADVOCACY GROUPS WHICH THE OFFICE OF JUVENILE JUSTICE HAS REFUSED TO SUPPORT. THE SELECTION OF A GROUP TO ORGANIZE THE CONFERENCE SHOULD BE MADE BY A COMMITTEE OF STATE JUVENILE JUSTICE ADVISORY GROUP CHAIRS.

WE SUPPORT THE INCLUSION OF THE LAW-RELATED EDUCATION RESOURCE CENTER IN THE JUVENILE JUSTICE ACT.

IN GENERAL, THE NATIONAL YOUTH WORK ALLIANCE SUPPORTS CONGRESS DRAFTING A SPECIFIC RESEARCH, TRAINING, AND SPECIAL EMPHASIS PROGRAM PLAN FOR THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY

PREVENTION. IN THIS REGARD THE REQUIREMENT IN H.R. 4971 THAT THE AWARD OF SPECIAL EMPHASIS GRANTS BE CHANNELED THROUGH THE APPROPRIATE CONGRESSIONAL COMMITTEES IS AN EXCELLENT IDEA.

THE NATIONAL YOUTH WORK ALLIANCE STRONGLY SUPPORTS THE REAUTHORIZATION OF THE RUNAWAY AND HOMELESS YOUTH ACT. WE SUPPORT MOST OF THE CHANGES RECOMMENDED IN H.R. 4971. HOWEVER, THE ALLIANCE URGES AN APPROPRIATION OF AT LEAST 35 MILLION DOLLARS ANNUALLY FOR THIS PROGRAM.

THE ALLIANCE SEES NO NEED FOR SECTION 341(C) FURTHER RESTRICTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' GRANT-MAKING AUTHORITY. RESEARCH AND DEMONSTRATION GRANTS ARE PLAYING AN IMPORTANT ROLE IN ADVANCING THE STATE-OF-THE-ART IN WORKING WITH RUNAWAY AND HOMELESS KIDS. THE RUNAWAY YOUTH ACT HAS BEEN A HIGHLY SUCCESSFUL PROGRAM, BUT A FORMAL EVALUATION IS NOW OVERDUE. THERE IS ALSO A NEED FOR A FIVE-YEAR CENSUS OF THE ACTUAL NUMBERS AND TYPES OF TEENAGERS WHO RUN AWAY OR ARE MADE HOMELESS.

MR. CHAIRMAN, THERE IS A MARKED CONTRAST BETWEEN THE MANAGEMENT OF THE 23 MILLION DOLLAR RUNAWAY AND HOMELESS YOUTH ACT AND THE 70 MILLION DOLLAR JUVENILE JUSTICE ACT. THE RUNAWAY YOUTH ACT PROGRAM ADMINISTERED BY THE ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES IS AS WELL RUN TODAY AS IT HAS BEEN IN ITS TEN-YEAR HISTORY. THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT'S ADMINISTRATION, HOWEVER, HAS HIT AN ALL-TIME LOW.

THEREFORE, I URGE THE SUBCOMMITTEE TO CONSIDER NOT ONLY LOCATING THE MISSING CHILDREN'S ASSISTANCE ACT IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AS H.R. 4971 WISELY PROVIDES, BUT TO ALSO CONSIDER MOVING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM BACK TO WHERE IT WAS LOCATED PRIOR TO 1974.

THE NATIONAL YOUTH WORK ALLIANCE ALSO SUPPORTS THE MISSING CHILDREN'S ASSISTANCE ACT.

I ALSO WANT TO DRAW THE SUBCOMMITTEE'S ATTENTION TO THE IMPORTANCE OF DISTINGUISHING BETWEEN RUNAWAYS AND MISSING CHILDREN. ONE HAS FLED HOME VOLUNTARILY AND CAN, WITH THE KIND OF SERVICE PROVIDED BY THE RUNAWAY AND HOMELESS YOUTH ACT, BE PERSUADED TO RETURN HOME. MISSING CHILDREN ARE, OF COURSE, THE INNOCENT TARGETS OF CRIMINAL ACTIVITY. MUCH TOUGHT MUST BE GIVEN TO PROPERLY IMPLEMENTING THE MISSING CHILDREN'S ASSISTANCE ACT SO THAT RUNAWAY CENTERS DON'T BECOME TARGETS FOR EITHER LAW ENFORCEMENT OR MISSING CHILDREN'S ADVOCATES.

THE NATIONAL YOUTH WORK ALLIANCE IS ALSO A MEMBER OF THE NATIONAL COLLABORATION FOR YOUTH. AT A MEETING TWO WEEKS AGO IN ARIZONA, THE FOLLOWING AGENCIES SPECIFICALLY ENDORSED AND ARE COMMITTED TO WORKING ON THE REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AND THE RUNAWAY AND HOMELESS YOUTH ACT:

AMERICAN RED CROSS
BIG BROTHERS/BIG SISTERS OF AMERICA
BOY SCOUTS OF THE U.S.A.
BOYS CLUBS OF AMERICA
CAMP FIRE
FUTURE HOMEMAKERS OF AMERICA
GIRL SCOUTS OF THE U.S.A.
GIRLS CLUBS OF AMERICA
NATIONAL BOARD OF THE YWCA OF THE U.S.A.
THE NATIONAL NETWORK OF RUNAWAY AND YOUTH SERVICES
YMCA OF THE U.S.A.

THESE GROUPS DEMONSTRATE THE BREADTH AND DEPTH THAT THIS PROGRAM CONTINUES TO ENJOY THROUGHOUT THE COUNTRY AND, I EXPECT, THROUGHOUT THE CONGRESS.

OCCASIONALLY, IN OUR ENTHUSIASM FOR INCREASING APPROPRIATIONS, AMENDING CERTAIN CLAUSES, AND BROADENING THE SCOPE OF THE ACT'S INTENT (BY INCLUDING MISSING CHILDREN, FOR EXAMPLE) WE LOSE SIGHT OF OUR ULTIMATE OBJECTIVE, THE REDUCTION OF CRIME AND DELINQUENCY.

THE JUVENILE JUSTICE ACT AND THE RUNAWAY AND HOMELESS YOUTH ACT ARE WORKING. YOUNG PEOPLE ARE COMMITTING FEWER CRIMES. WHILE JUVENILES ACCOUNTED FOR ONE-HALF OF ARRESTS IN 1974, THEY ACCOUNTED FOR ONLY ONE-THIRD OF ALL ARRESTS IN 1983. AND FOR THAT REASON ABOVE ALL WE SHOULD MAINTAIN THE PURPOSES OF THE JUVENILE JUSTICE ACT, AND PROTECT THE INTEGRITY OF THE OFFICE OF JUVENILE JUSTICE. WE WILL BE SUBMITTING FURTHER TESTIMONY FOR THE WRITTEN RECORD.

THANK YOU FOR THE OPPORTUNITY TO TESTIFY.

Senator SPECTER. I would like to call now on Mrs. Barbara Fruchter, the executive director, Juvenile Justice Center, Philadelphia.

Mrs. Fruchter, welcome.

Mrs. Fruchter is the wife of one of my friends. On some evenings Mr. Fruchter and I play squash very late and inconvenience Mrs. Fruchter. She has had an outstanding record in Pennsylvania for many years. We are very pleased to welcome her here today.

STATEMENT OF BARBARA FRUCHTER

Mrs. FRUCHTER. Thank you, Senator.

I would like to express appreciation to the Senate Subcommittee on Juvenile Justice, and to the chairman, Senator Arlen Spector of Pennsylvania, for inviting me to testify this morning. On behalf of the 158 organizations that belong to the Juvenile Justice Center Citizens' Coalition, and the executive committee of the juvenile advisory committee to the Pennsylvania Commission on Crime and Delinquency of which I am a member, I state that we strongly support reauthorization of the Juvenile Justice and Delinquency Prevention Act with its original intent and legislative priorities in tact.

To support our strong position favoring reauthorization, and reauthorization in a specific form, I will share with the committee statistical data which testify to the effectiveness of this legislation as administered in Pennsylvania. Then I will explain why continuing the legislation is both cost effective and justifiable at this point in time; and my testimony will conclude with arguments for closer congressional oversight of the administration of the act.

The impact of the JJDP Act in Pennsylvania can best be understood and put into perspective when the facts are examined in the context of, and in contrast with, testimony given to this committee by Philadelphia's district attorney on March 8, 1984. On that date the committee was told that "the rate of juvenile violence has been increasing at a shocking level." This statement was supported by data from "between 1960 and 1975"—years preceding the implementation and subsequent impact of the Juvenile Justice and Delinquency Prevention Act; 1975 was the year JJDP Act funds became available in Pennsylvania. In that year there were 48,074 referrals including status offenders, to juvenile court in the State. Over 39,000 of these juveniles were delinquency referrals. Within 2 years status offenders in Pennsylvania were out of delinquency court, out of detention, and out of correctional facilities.

By 1982, there were fewer than 32,000 delinquent referrals in the entire State—a drop of 18.3 percent in less than 7 years 1975–82. In 1 year alone, from 1981–82, there was a drop of over 12 percent in the number of juveniles referred to delinquency court in Pennsylvania. Data already tabulated for 1983 and 1984 indicate that these years will show an acceleration of this downward trend in delinquency, a downward trend which is also reflected in the drop in population rates at State run training schools in Pennsylvania—Youth Development Centers [YDC's].

In 1975, there were 1,152 YDC beds in the State, and they were filled to capacity. County secure detention facilities were also packed to overflowing that year.

This year (1984–85), Governor Thornburgh asked the legislature for a cut of $4 million [from $31,534,000 of last year to $27,849,000 for 1984–85—in the State-run training school [YDC] budget] a cut made possible in no small part because of the impact of the Juvenile Justice and Delinquency Prevention Act. The 1975 capacity of 1,152 beds has dropped to 730 beds at present—including intensive security beds—and even with this cut in capacity two facilities are being closed for lack of population.

Far from the explosion in juvenile crime you were told exists, current statistics[1] provide evidence of the dramatic decrease in juvenile crime in Pennsylvania and the impact of the JJDP Act.

On March 8 you were also told that "the Juvenile Justice and Delinquency Prevention Act has failed to give proper attention to the fact that the public is entitled to protection from juvenile crime * * *" and, due to the "conflict" between "the best interests of the juvenile" and the public safety, "the approach that dominates the philosophy of the Juvenile Justice and Delinquency Prevention Act * * * does not work and cannot be expected to work * * *.

The fact is that the JJDP Act was passed precisely because to its passage, the public was not being protected from juvenile crime which continued to escalate despite the rapid expansion and use of traditional institutionalization of youth. It is that pre-JJDP Act escalation which is reflected in the decade-stale statistics from 1960 to 1975, used by the Philadelphia District Attorney.

The language of the act speaks directly to new techniques, to diversion, where possible, and to the development and implementation of cost-effective alternatives to traditional treatment.

One of many examples of how JJDP funds have been used in Pennsylvania to develop cost-efficient treatment-effective techniques as alternatives to expensive institutions and security lockups for juveniles is Intensive Probation Aftercare.

Training school recidivism rates, of graduates—under the age of 18—run from 34 percent to over 87 percent, and the cost of each day a youngster spends in a State run training school is between $100 and $238 per day. In the Intensive Probation Aftercare Program, recidivism rates have been shown to run from zero to a high of 10.6 percent, and the cost of this program is a tiny fraction of the cost traditional institutional placement.[2]

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[1] Decline in mumber of delinquent referrals to juvenile court: from 1975 (39,001) to 1982 (31,866): down 18.3 percent. Decline in the number of beds needed in YDC (State run training schools) open institutional setting: from 1975 (1152 beds) to 1984 (498 beds): down 69 percent (current population: 356). Decline in population/usage of secure detention: from 1975–76 to 1982–83: down 50 percent. Decline in overall mumber of juveniles arrested in PA: from 1981 to 1982: down 4.6 percent. Decline in the mumber of juveniles arrested and charged with serious/violent crimes from 1980 to 1982: down 3.4 percent.

There are also group home programs, detention alternative programs, restitution, day treatment, tutorial, job training, and other programs whose success and cost savings have contributed to reduction in delinquency and recidivism, and justify reauthorization of the act.

JAIL REMOVAL

On March 8, the committee was also told that "the juvenile justice system is a criminal justice system for law breakers of a certain age and must be able to respond * * * as the adult criminal justice system responds * * *."

There is hardly a law enforcement or judicial officer in this country who would pronounce adult jails or the adult criminal justice system a success. I am reminded of recent and persistent criticism of this system by Chief Justice Warren Burger. If there is to be no difference between our treatment of youngsters and the way we currently respond to adult criminals, then we might as well turn our backs on the last 10 years of progress and success under the JJDP Act and abandon ourselves to the hopelessness which permeates the overpacked adult prisons of this Nation.

In 1975 there were 400 juveniles held in the adult prison at Camp Hill, and 3,330 juveniles held in county jails in Pennsylvania. At least one-third of these were held over 30 days, one-third were under the age of 12, and one-third of those in county jails were status offenders. Today, there are no legal juveniles in the county jails or prisons of Pennsylvania. This total removal was accomplished without lowering the juvenile age from 18, without making transfer automatic, and without mushrooming secure detention all over the State. In the wake of this total removal came the decline in delinquency documented above.

There is indeed a conflict in the juvenile justice system, but it is not, as stated by the district attorney on March 8, "between the safety of the public and the best interests of the juvenile," the conflict is between an undeniable, steady record of success brought about by implementing the provisions and philosophy of the JJDP Act, and a politically motivated, politically perpetuated mythology which seeks to promote punitive tactics and discredited bricks and mortar strategies.

THE SEPARATION OF JUVENILES FROM ADULTS

Another argument made on March 8 was that there is a shortage of secure facilities for pretrial detention and post-adjudicatory confinement of juveniles, and that these shortages should be addressed by setting aside JJDP funds for one, construction of secure facilities; and two, for prosecutors so that more juveniles can be transferred to the adult system.

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[2] It is interesting to note that the success rate of Intensive Probation Aftercare has been shown not to be related to the length of time a youth was held in an institution prior to being in the Aftercare Program. The key to success here seems to be the care, supervision and reorientation he gets in his own community after he leaves an institution.

In 1976-77 $750,000 of JJDP funds were put aside in Pennsylvania to help develop additonal secure detention as alternatives to county jails. The entire sum was never used, nor was it needed. Today about 50 percent of the counties' juvenile detention beds in Pennsylvania stand empty.

Although Philadelphia transfers more juveniles to the adult criminal justice system than all other 66 Pennsylvania counties put together, these transfers, from an underutilizerd juvenile system to a dangerously overcrowded adult system, cannot and should not be justified by a shortage—real or imagined—of juvenile beds.

Not enough alternative beds to get juveniles out of jails, and not enough security beds to prevent them from going to adult prison is a cry that has been repeated periodically since the first Juvenile Act was passed at the turn of the century. It was a poor excuse for failing to remove youngsters from the emotional, physical, and sexual brutalization to which they were subjected in adult prisons then and it remains a lame excuse today. In States like Pennsylvania, where the provisions and intent of the JJDP Act have been successfully implemented, not enough beds, is not only a lame excuse, it is a grossly inaccurate statement.

THE QUESTION OF REAUTHORIZATION

Regnery's testimony: Last week in the House of Representatives, the Administrator of the Office of Juvenile Justice and Delinquency Prevention testified that the JJDP Act should not be reauthorized because the goals of the act have largely been accomplished, and because, he contends, it dictates policy to the States.

My testimony thus far would reinforce Mr. Regnery's belief that the act has been successful. The direction, leadership, and funds provided under the JJDP Act have, in a comparatively short time, enabled participating States to prevent and reduce delinquency, to substitute cost effective, community based treatment for expensive, anachronistic institutionalization; and to chop away at the hydra-headed ends of the juvenile justice system—the use of jails and prisons on one end and the incarceration of noncriminal children at the other.

But it should be added that failure to reauthorize at this time, when so much has been learned, would be like building a car and not putting on wheels—the vehicle would take us no place.

States like Pennsylvania have led the way. But others are just beginning to know and to believe that they can repeat this success. Information must be disseminated. Techniques must be transferred. Programs need to be replicated, citizens and officials need to be educated as to what is possible and how to so it, staff needs to be trained—and most importantly, the lessons learned under the act and the values represented in the act must become institutionalized.

The March 8 testimony to which I refer above, and current legislation introduced into Pennsylvania demostrate that there is an ongoing effort to turn back the clock in the way we deal with our juveniles—both delinquent and nondelinquent. Reauthorization would work not only to proliferate the gains made under the act, but would help ensure that methodologies and policies developed under the act become a permanent part of America's perception.

If crime reduction is still a national priority, prudence would dictate that we continue a program which has effectively reduced a prime source of adult crime—juvenile delinquency.

As to Mr. Regnery's concern that JJDP Act dictates policy, it should be note that there is no mandate in the act which forces States to participate. The voluntary choice of participation precludes any danger that the act could dictate policy to the States. No State is under obligation to work toward to the goals of the legislation unless that State freely chooses to do so.

In considering the need for reauthorization, there are pitfalls against which Congress must guard. Foremost of these is distortion of the intent of the act. Reauthorization would be counterproductive if money appropriated under the legislation were to be used to subsidize traditional prosecutorial or law enforcement activities and budgets.

These are not efforts intended to be subsidized by this legislation. The original intent of the act was unrelated to the purposes of prosecution, and the success of the act is unrelated to prosecutorial spending. While it may be self-serving for a district attorney to request JJDP funds be allocated in order to transfer more juveniles to jails, it is a perversion of legislative purpose.

Funding questionable research projects and the practice of awarding noncompetitive grants or initiatives foreign to legislative intent are concerns which have surfaced over the past year—concens to which Congress should address itself.

In conclusion, I would recommend to this committee that there be a clear message as to Congress' purpose in reauthorizing the JJDP Act in order to finish accomplishing those objectives for which the act was passed in 1974. I would suggest that serious consideration be given to including provisions of H.R. 4971, particularly section 103, and sections 208 and 209 of the bill, and that congressional oversight be built into the legislation to see that there is no distortion of congressional intent.

Senator **Specter**. Mrs. Fruchter, do you believe that juvenile crime has declined in recent years?

Mrs. **Fruchter**. I have the statistics here from Pennsylvania that are not—I do not think that extraordinary and that out of the ordinary, which I am going to cite in just a minute, thank you.

Senator **Specter**. All right.

Mrs. **Fruchter**. The public is, in fact, now being protected from juvenile crime.

Senator **Specter**. Am I to infer that you disagree with District Attorney Rendell's testimony?

Mrs. **Fruchter**. You can make that inference. And it is not that I disagree with it, it is the facts disagree with it.

He cited astronomical numbers of juvenile crime increase. And actually our uniform crime report from the State police of Pennsyliania states that more than four-fifths of our juvenile arrests are made from the following four or five offense: liquor law violations, disorderly conduct, vandalism, and 19.2 percent for all other violations.

Senator SPECTER. What aspects of the act do you think have been successful, Mrs. Fruchter?

Mrs. FRUCHTER. The implementation of new techniques, the idea of alternatives to incarceration, diversion programs, after care programs, community-based programs.

Senator SPECTER. When was the act passed?

Mrs. FRUCHTER. In 1974. And it began to be implemented—the money was distributed in Pennsylvania by 1975, it was growing nicely.

Senator SPECTER. Do you believe there are any juveniles who grow up to be criminal adults on the certification program?

Mrs. FRUCHTER. 256 juveniles were certified in Philadelphia from April 30, 1980, to June 1982. Of those certified 113 were given prison sentences. And of the prison sentences imposed, 6 out of 210 juveniles tried—46 still pending trial—were given more than the maximum amount of time a juvenile had spent in the juvenile system. Perhaps those six were not amendable to treatment in the juvenile system, but what are the facts regarding all the others.

We intend to use formula grant money this year in Pennsylvania to focus on juveniles who may be certifiable under the law in our State and to develop programs for them.

Senator SPECTER. So you think that the juvenile system can deal with violence to the extent that it exists among juveniles approximately as well as certification to be tried as adults?

Mrs. FRUCHTER. There is no question. The facts show that in those intensive treatment programs developed—with the help of JJDP Funds—that can be done, and done to the advantage of the public as well as the youth. Where the youth is rehabilitated the public is better protected than when he is released from prison more alienated, more dangerous than when he went in.

Senator SPECTER. Well, Mrs. Fruchter, we very much appreciate——

Mrs. FRUCHTER. I'd like to address your previous question about status offenders and State's rights.

Senator SPECTER. Sure.

Mrs. FRUCHTER. In Pennsylvania we are pleased and proud that you have introduced your legislation to remove status offenders from jail. Our studies show that in Pennsylvania status offenders were held longer than other juveniles in jails because they had no family support. It is not a matter of State's rights. It is a matter of national well being to remove status offenders.

We are a mobile society. My grandchildren will associate with kids who have been held in jails, and they are also going to have to pay the welfare bills of youngsters who are emotionally mutilated in jails. It is expensive, it is dangerous and it is discriminatory to hold juveniles who have committed no crime in correctional facilities when adults could not be held under those circumstances. And any kind of discrimination is a national problem.

Senator **Specter**. Thank you very much. I very much appreciate your coming from Philadelphia on such a bad day, very much appreciate your being here, Ms. Bucy, Mr. Treanor. Thank you very much.

The hearing is adjourned.

[Whereupon, at 11:05 a.m., the subcommittee recessed, to reconvene subject to the call of the Chair.]

MISSING CHILDREN'S ASSISTANCE ACT

WEDNESDAY, MARCH 21, 1984

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, in room SD-226, Dirksen Senate Office Building, commencing at 10:20 a.m., Hon. Arlen Specter (subcommittee chairman), presiding.

Present: Senator Metzenbaum.

Staff present: Mary Louise Westmoreland, chief counsel and staff director; Ellen Greenberg, professional staff member; and Tracy McGee, chief clerk.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator SPECTER. Good morning ladies and gentlemen. I regret being late. I was attending a meeting off the Hill. I apologize to all of you for keeping you waiting. Senator Metzenbaum had to go over to the floor momentarily. With unanimous-consent agreement, he will return.

Director Regnery, we appreciate your being with us.

Suffice it to say at this time our focus of concern is the issue of reauthorization of the provisions of the Juvenile Justice and Delinquency Prevention Act.

Director Regnery, we thank you for submitting your statement in advance. It will be made a part of the record in full. And to the extent that you can summarize it, we would appreciate it, leaving the maximum amount of time for questions.

STATEMENT OF ALFRED S. REGNERY, ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, ACCOMPANIED BY JAMES M. WOOTTON, DEPUTY ADMINISTRATOR

Mr. REGNERY. Fine, I will do that, Senator. I am prepared to summarize it. I would like to read the first couple of pages just because it is somewhat technical so that I keep it straight.

The Department supports, with minor modifications, the portions of the proposed Missing Children's Act which would establish a national resource center and clearinghouse on missing children information and which would provide other services relating to missing children. This committee has heard, as has the House of Representatives, considerable testimony regarding the missing children issue and what can be done about it. We believe that the Federal Government can be of greatest assistance in dealing with the problem through the establishment of a national center for missing and exploited children.

My office is now in the process of developing a plan for a national center for missing and exploited children which we hope to fund and have operating soon. That project is designed to accomplish most of the things envisioned by S. 2014. We hope to provide first-year funding at $1.5 million, which we believe will be adequate to establish the center, hire a competent and sufficient staff, fund a hotline, prepare and distribute materials, information, and data to the public, assist law enforcement, the public, and citizens groups concerned with missing children, and orchestrate a prevention campaign.

Although data and statistics are not definitive, estimates indicate that as many as 1½ million children are missing from their homes each year. Approximately 1 million of these children are runaways or, in some cases, throwaways—children forced out of their homes. The results of a 3-year study by the Missing and Exploited Child Unit of Louisville, KY, revealed that as many as 85 percent of the exploited children they encountered were missing from their homes when they were subject to exploitation.

The most critical point is this: Any child who has lost his or her home is in significant danger from emotional, physical, sexual, or criminal exploitation. The existence of a national resource center will help identify the relationship between missing and exploited children and the link between exploited children and later delinquency.

A Federal response to these issues is both critical and appropriate. The striking mobility of our society means that the pornography quickly moves beyond local law enforcement jurisdictions. There is a definite need for national coordination and dissemination of information concerning missing and exploited children. Furthermore, we have learned that the search for a missing child is often a lonely search—conducted by the parents and relatives themselves. These dedicated individuals have expressed, even before this subcommittee, their critical need for help. A national center for missing and exploited children will provide the active assistance needed to dealing with this national problem.

S. 2014 calls for an authorization of $10 million with which to fund missing children's activities. We support assisting missing children along the lines suggested by S. 2014, but we urge that the activities contemplated in S. 2014 be performed under the grant program contained in title VI of S. 1762, the Administration's Comprehensive Crime Control Act of 1983. This legislation, which would establish the Office of Justice Assistance, would authorize appropriations for grants related to criminal justice assistance and has already received an appropriation contingent upon enactment of authorizing legislation. We would support an increase for funding in OJA for this program.

We would be pleased to work with the subcommittee staff on other modifications to S. 2014, such as a clarification of the telephone hotline function, because of the absence from the bill of any authority for the utilization or dissemination of the information reported by individuals through the telephone reporting system. Further the proposed definition of the term "missing child" appears to be excessively narrow by eliminating from consideration under the program children aged 14 through 17, unless circumstances indicate the child was abducted.

We also suggest additional language be incorporated to reduce the potential for misunderstanding the nature of the resources center and confusing its role with operational investigative or law enforcement agencies.

Mr. Chairman, as you know the administration does not support reauthorization of title II of the Juvenile Justice and Delinquency Prevention Act. We believe that parts of the act that have been successful should be incorporated into the proposed Office of Justice Assistance and funded therein. Other parts of it should be funded directly by the States and local governments.

The act which has been in force since 1974 has, as far as its mandates are concerned, been very successful. There are 46 States, territories, and the District of Columbia which participate in the act.

As far as deinstitutionalization of status offenders is concerned, we find there are 88 percent fewer status offenders now within institutions than there were when the act was passed. We also believe that there is a commitment on the part of the States to deinstitutionalize as well as statutes and many that require precisely what our act does require.

We believe that the circumstances regarding deinstitutionalization will not become better with a continuation of the act but, in fact, could be better performed without the act so that the States can respond to their own individual problems.

As far as separation of adults and youths in jails and other institutions are concerned, 39 States are now in full compliance, 14 other States have made sufficient progress to meet the requirements of the act. And we believe as with deinstitutionalization the States will continue to make progress without the continuation of the act itself.

As far as removal of juveniles from adult jails is concerned, the States are making good progress. Because the mandate does not become effective until 1985, we do not know, of course, precisely where they are. But as our staff monitors the States we find that sufficient progress has been made to be encouraging.

As far as the question of deinstitutionalization goes, as I point out in my testimony, we have looked at the issues from the standpoint of recidivism. We find that through a study we had done by the American Justice Institute, that recidivism has not been effective particularly by deinstitutionalization; that study found that comparisons of youths who were, and were not in DSO programs, there was no difference in recidivism. Of the 14 programs in which recidivism rates could be compared, no differences were found in 8, in 3 of the deinstitutionalized youth did better as far as recidivism was concerned, and in 3 they did worse.

Most status offenders were held in secure facilities or confined in detention centers at the local level pending adjudication. The impact of DSO on local detention is not clear. There is only scanty data available from far too few jurisdictions to determine whether substantial progress has been made toward removing these youths from voluntary confinement.

In the studies reviewed for this report, 19 indicated a reduction in detention, 7 reported no change and 5 reported an increase. Many jurisdictions that developed alternatives without prohibiting confinement expressed net widening effects in which the alternative programs were used mainly for juveniles who previously had been handled on an informal basis and the status offenders who previously were detained continued to be held in secure facilities.

The study also found that the absolute prohibitions against confinement produced changes in the use of discretion, popularly termed relabeling, which resulted in many of the cases that previously might have been treated as status offenses being handled as minor offenses.

Additionally, in some of the jurisdictions which prohibited confinement the research indicated that law enforcement officers and the agencies responsible for delivery of services on a voluntary basis simply were not dealing with these youths at all and that those most in need of services were not receiving them.

Senator, we have done a little bit more work into the question that—the last point I raised from the recidivism study, that is the reduction in services that has accompanied by deinstitutionalization movement and although it is very difficult to find complete data and although it is difficult to draw conclusions, we are beginning to find that there are a number of things which are consistently told to us by law enforcement people, runaway people and so on around the country, which are rather troubling I guess as far as the DSO initiative is concerned.

First of all, there are considerably more runaways now than there were in 1974, although there are considerably fewer teenagers. Probably about twice as many runaways and some 3 or 4 million fewer teenagers than there were in 1974.

We also find that only 5 to 10 percent of all runaways ever receive the services that are provided to them in the voluntary system. We find as we talk to law enforcement officers that their attitudes toward runaways are often demoralized as far as dealing with them is concerned. As we discuss the question of missing children and police investigations of the missing children cases, generally, as I think you have probably heard in the testimony already, that one of the major problems is the fact that police simply take the attitude that a missing child is a runaway and do not respond.

To the extent that that may have been affected by DSO, we do not know. But again, it is an issue that is raised again and again and we are trying to look into it.

Now, what happens to these runaways on the street is something that is very, very concerning to us and I am sure to every parent and every American. Generally speaking, I think it is safe to say as runaways leave home, as they stay away from home, they survive on the street by committing crimes and those crimes are most often prostitution, pornography, theft, and drug dealing.

There is a Florida study, in fact, which we are getting for your staff members. And I am sorry we have not gotten the full study yet. I guess it is on its way, which claims that in Florida——

Senator **Specter**. You had referred to this Florida study and we have asked you for it.

Mr. **Regnery**. Yes.

Senator **Specter**. What is the study that we cannot seem to get a copy of?

Mr. **Regnery**. We had trouble finding it. We finally did find the person who wrote it and he is in Fort Lauderdale, I believe, and he is supposed to have mailed it yesterday.

Senator **Specter**. Do you have a copy of the study?

Mr. **Regnery**. No; I only have reference to it in the study that was done in Kentucky on exploited youth and they quote from it. But they do not have the actual study.

There are several other consistent figures, though, that we do have. And, as you know, the Florida study claims that those children who stay away for more than 2 weeks, 75 percent support themselves by prostitution, pornography, drugs, and theft.

The New York City Police Department estimates that 90 percent of the runaways that they see have been involved in prostitution at one time or another when they were running away.

There is a Wisconsin study that was done of runaway girls that found that 54 percent needed to steal in order to survive and 70 percent needed to resort to prostitution.

The National Fund for Runaway Children estimates that 7 out of every 10 runaways—I am sorry, 7 out of 10 child prostitutes are runaways.

The GAO has estimated that there may be as many as a million children who are involved in prostitution across the country.

Now, if 7 out of 10, as has been estimated, of those are runaways, that is certainly a major contribution to that problem.

I think what we are beginning to conclude is that as far as the deinstitutionalization mandates of the act are concerned, the act may have been too strict in preventing any kind of secure detention.

What we are saying is certainly not that we should return to the system that we had before the act was passed, and I do not think anybody would advocate that that be done, but instead that runaway programs be permitted in some cases to keep children who are runaways, chronic runaways particularly, in some kind of secure facility in order to keep them there. The reason for that is that some of these kids who run away will run away continually again and again and completely lose control as they go back onto the street and become more involved in prostitution, drugs, and so on and so forth, their lives become more out of control than they otherwise would.

As we talked to the runaway people, they said if you keep some of those kids in secure confinement, we would be able to deal with their problems by keeping them there.

Senator **Specter**. But the question arises, Mr. Regnery, what kind of facilities are we to have these status offenders in? Perhaps we ought to start from the beginning before coming to that question.

The funding for the Office of Juvenile Justice and Delinquency Prevention has been at $70 million a year and you have suggested that functions be covered in the Justice Assistance Act.

Mr. **Regnery**. That is right.

Senator **Specter**. What assurance do we have that the Justice Assistance Act is going to be passed? At the moment it is part of a crime package linked in the Senate with the squabble between the House and the Senate. There is really no assurance that the Justice Assistance Act is going to be passed, is there?

Mr. **Regnery**. I guess there are not, no.

Senator **Specter**. If the Justice Assistance Act is not passed, how are we to take care of funding for those aspects of OJJDP which you agree to be important?

Mr. **Regnery**. That is a good question, I guess.

Senator **Specter**. Give me a good answer.

Mr. **Regnery**. Well, I guess that is up to the Congress. I do not know what——

Senator **Specter**. Well, one response is to have the Office of Juvenile Justice and Delinquency Prevention as a separate act where we know how to structure it and how to get the money.

Mr. **Regnery**. That is true.

Senator **Specter**. If Justice Assistance is not passed, would you agree with the reauthorization of OJJDP?

Mr. **Regnery**. Well, I obviously do not have the authority to do that without consulting with OMB and others.

I can say that if OJJDP were to be restructured, I would certainly be happy to work with your staff and make some recommendations to things that should be changed.

Senator **Specter**. Well, would restructuring OJJDP provide a basis for agreement by the administration to reauthorize the act?

Mr. **Regnery**. I cannot answer that. I do not know.

Senator **Specter**. I would like to pursue that with you because we do not really know what is going to happen to the Justice Assistance Act.

Mr. **Regnery**. Right. Well, it is obviously up to more people who are higher in the administration than I am to make a decision like that.

Senator **Specter**. I have had discussions with people in the administration. I have had discussions with Mr. Meese in his capacity as counselor to the President and I have also had discussions with him in anticipation of the Judiciary Committee hearings on Attorney General and just yesterday this with him to some extent in the record in the early rounds of the hearings.

We are not really precise as to where we are heading, but it is my understanding that at least from Meese's point of view, he would be agreeable to maintaining the funding level at $70 million if there could be some restructuring.

Do you know whether the administration would be prepared to see the funding remain at $70 million for the purposes set forth in the Office of Juvenile Justice and Delinquency Prevention?

Mr. **Regnery**. No, I do not know if they would or not.

Senator **Specter**. Do you know what figure the administration has in mind?

Mr. **Regnery**. The only figure I have heard is zero.

Senator **Specter**. Well, if these functions are to be taken care of in the Office of Juvenile Justice and Delinquency Prevention in the Justice Assistance Act, what would the figure be?

Mr. **Regnery**. Well, I presume that what we are anticipating now is that the figure would be that figure that Congress has already authorized and appropriated. And there is an authorization I think in one House of appropriation and in the other House——

Senator **Specter**. I do not think that is so, Mr. Regnery. I think that Mr. Messe, speaking in his role as counselor to the President, envisages a figure which is different than the one in the Justice Assistance Act. Last year we talked about Justice Assistance at $100 million to cover a number of functions which was separate and distinct from the Office of Juvenile Justice and Delinquency Prevention.

Is your understanding at variance with that?

Mr. **Regnery**. My understanding is what my testimony says, and that is what we are anticipating is that the Office of Justice Assistance, which is at about $100 million as proposed by the Congress now, would include the activities that are now performed by OJJDP.

Senator **Specter**. All 70 million dollars' worth?

Mr. **Regnery**. Well, I presume that there would be something less than $70 million spent. Of course $45 million is a direct grant program to the States, which leaves some $30 million less the administrative money which is discretionary.

Senator **Specter**. Mr. Regnery, I would appreciate it if you would consult with others in the administration, Mr. Meese or OMB, whoever is appropriate, and respond by saying how much of the Justice Assistance Act is going to be backed by the administration on the $100 million figure and respond to my understanding that the $70 million is to be in addition to the $100 million and that the administration's proposal is not to cut the total of $170 million in funding but to have some restructuring within the way it is administered.

Mr. **Regnery**. I will be glad to try to get an answer to that question, Senator, to respond.

Just to clarify the point though, as my testimony is not prepared we envision only the Office of Justice Assistance as proposed by the administration without additional funding.

Senator **Spector**. So you are saying that $100 million is to cover all the functions of the Office of Justice Assistance which would include what has been done for Juvenile Justice heretofore in a separate figure?

Mr. **Regnery**. That is right.

Senator **Specter**. I do not think that is what Mr. Meese had in mind. But if you would pursue that, I would appreciate it.

Mr. Regnery, I am very concerned about your conclusions on the lack of need for reauthorization of OJJDP, in light of the substantial number of status offenders and nonoffenders in inappropriate detention. As I understand it, the Justice Department's budget proposal for fiscal year 1985 says itself that there is some 35,000 such status offenders and nonoffenders who are in inappropriate detention. That is an accurate reference to Justice Department conclusions?

Mr. **Regnery**. I do not recall those figures exactly.

Senator **Specter**. Well, I believe that it is.

If so, what is the Justice Department—what do you propose should be done with that very serious problem if you do not reauthorize OJJDP?

Mr. REGNERY. Well, some of that problem will not be overcome even if you do reauthorize OJJDP. Some of those status offenders are in States that do not participate in our program. And of course we have no control over those States at all.

Senator SPECTER. How many? Not very many?

Mr. REGNERY. I do not know exactly. There are four States—I can find out exactly for you.

Senator SPECTER. Well, if you are talking about a proportionate space and they are lesser populated States, you are talking perhaps about 2,000 or 3,000.

Mr. REGNERY. That is true. That may be.

Senator SPECTER. So what are we going to do with the balance of the 35,000?

Mr. REGNERY. Well, there are various exceptions to the statute which allow in some cases some of those kids to be held for short periods of time, for 48 hours or whatever. There are also various exceptions where nonpopulated counties for example will hold the children for a period of time and so on and so forth, and I could find out precisely what those figures are for you.

In addition, I think some of those kids are held in facilities through loopholes in the act where they are relabeled or where they are in a facility where perhaps in fact what they did may have been partially a status offense, partially a minor crime. Where the police used to arrest one on a status offense, they may now arrest one on a minor crime instead and hold them under that kind of——

Senator SPECTER. Mr. Regnery, I do not think that is so with this 35,000. This is a category of status offenders and nonoffenders and not those charged with offenses.

Mr. REGNERY. I do not know what the origin of the 35,000 number is.

Senator SPECTER. Well, would you take a look at that and respond to the subcommittee on what your proposal is for dealing with that problem?

Mr. REGNERY. Yes, sir.

Senator SPECTER. The National Coalition for Jail Reform reports that there are some 479,000 children jailed each year and that in excess of 100,000, 25 percent of them are simply status offenders.

Are you familiar with that study?

Mr. REGNERY. Yes, I have seen those numbers, Senator. There is a good deal of dispute about those numbers. That was a study that was done 3 or 4 years ago, I believe, which was a—basically crossing the portal study. During the course of the year there were that many juveniles who entered and again left in some cases as a matter of only hours, jails, lockups, whatever they were.

I think the Bureau of Justice Statistics did a study 2 years ago and it is my recollection that they found at any given time there were some 1,800 designated as status offenders in jails and lockups at any given time in the year.

As I say, I think there is a good deal of dispute over the 479,000 number. And again, some of those are going to be exceptions to our act.

Now, in terms of what we are recommending be done about it, I think the commitment exists on the part of the States. These are basically State problems. And what we are recommending is that that be an initiative to be continued to be carried out in the State Capitols rather than in Washington.

Senator SPECTER. Well, whatever statistics you may accept, I think the 1,800 figure is not a realistic one. We have had an enormous volume of testimony which has come before this committee, many, many case histories, many, many experts who testified about an enormous problem in two directions.

One direction is that status offenders misnamed runaways, abandoned and neglected children are placed in jails.

The second problem, separate and distinct, is that there are a tremendous number of juveniles charged with offenses, many of them minor offenses, who are mixed with adult offenders. And the basic concern that this subcommittee has and that I have, Mr. Regnery, is what are we going to do about these major problems if your recommendations follow and the Office of Juvenile Justice and Delinquency Prevention is zeroed out? I just do not think it is realistic to do that.

Mr. REGNERY. Well, as I say, Senator, in my testimony, the amount of money that we provide to the States is not nearly sufficient to correct the problem. The problem is basically directed with the State taxpayers' money and it has been—there has been——

Senator SPECTER. Has not it been important seed money to stimulate State action?

Mr. REGNERY. Yes, but I think we have done that. That is what we are saying, Senator, in the last 10 years we provided the seed money. Many States passed statutes which now require them to do what the act requires, that there is a commitment, both a moral and legal commitment on the part of State governments across the country, to carry out these mandates. And we think that they will continue to carry out those mandates with or without the Federal Government telling them that they need to.

Senator SPECTER. Well, your views, Mr. Regnery, are at variance with what Governors have testified to and district attorneys have testified to and just a stream of witnesses that have testified to.

When you say that the funds provided are not enough to handle the problem, I agree with you about that but it seems to me the conclusion is not to abandon the program entirely but if not to increase the funds which we ought to do in my judgment, at least not to decrease them and not to abandon the program.

Mr. Regnery, are you familiar with—I am sure you are, we talked about this before—the General Accounting Office study and the major deficiencies which this report that is now a year old, we had this before us when you testified last year, March 22, 1983, so it is just a year old. The major deficiencies which the GAO has found in so many States in the United States which do take moneys and are subject to the guidelines of OJJDP.

Mr. REGNERY. Yes; I am generally familiar, although I have not looked at that study for quite some time, Senator. As I recall though, the Justice Department did respond to it and we found that there were a good many interpretations that the GAO made which were not consistent with the act and where some of the problems they found were in fact exceptions that were allowed either under the act or regulations that my office has promulgated, and I cannot, off the top of my head, cite exactly what those figures are. But it was my recollection that there is accompanying correspondence from the Department of Justice which addresses those issues.

Senator Specter. Well, would you provide that to me because this GAO study standing as it does, suggests to me that there is a long way yet to go under the existing legislation.

Mr. Regnery, if we are to impose this burden on the States, what is your judgment as to the provisions of Senate bills S. 520, S. 521 and S. 522 which would impose as a matter of Federal law on States the obligation to separate juvenile offenders and adult offenders, with the States having the obligation to pay for it?

Mr. Regnery. I am not prepared to testify about those bills today, Senator. I have looked at them in the past. It has been several months since I have and I believe there is a hearing that is going to be held up here sometime in the next month or so, at which I will be glad to testify. I would have to testify without having the bills in front of me and without having prepared myself about it.

Senator Specter. Well, those are bills that you and I talked about a lot of times.

Mr. Regnery. Well, I have but I am not prepared to testify in this kind of a forum today without preparing myself.

Senator Specter. We have President Reagan coming in at 11 o'clock meeting with the Republican Conference, which is an event which is scheduled in the last day or two. And Senator Metzenbaum is going to be returning and wants to—and has some questions.

When do you anticipate that you will have the results of that Florida study, Mr. Regnery, do you know?

Mr. Regnery. I understand it was mailed yesterday, Senator, so we should have it for you today or tomorrow. We will get it to you as soon as we get it.

Senator Specter. Mr. Regnery, how much reliance do you place on the study which is included in your testimony which found no difference in the recidivism rates, whether status offenders were institutionalized or not?

As staff and I have reviewed that study, the definition of recidivism is so broad as to "include any type of recontact, referral to court or re-arrest by the police" as opposed to the court adjudications.

I ask you that because the two studies which you have cited are frankly not very impressive or conclusive. I do not know that we get very far on the studies. I think we probably come to a basic disagreement as to philosophy on approach and role of the Federal Government on OJJDP and where it ought to be going.

Mr. Regnery. Well, that study referred to, Senator, is more of a literature review than a study. It was something that we had done to pull together all of the studies that could be found, both published and unpublished. Each one of them is going to use a different methodology. I presume each of these studies viewed, each one of them is probably going to have a different definition of all of the different things that they use, so it is rather hard to come to any complete conclusion.

I have presented it to you, for what it says on its face, which is basically that the author reviewed these studies and this is what each of the studies showed.

Senator **Specter**. So it is not an original study but, as you say, it is a review of the literature?

Mr. **Regnery**. Yes; it is probably the only thing and, therefore, the best thing that we have.

Senator **Specter**. Mr. Regnery, what I would like to do now, it is 10:50 and, as I say, the President is scheduled to meet with the Republican Caucus. And I think the preferable thing since Senator Metzenbaum has not returned, we would like to get the Florida study and then if it is agreeable from your point of view to have a follow up hearing.

Mr. **Regnery**. Fine.

Senator **Specter**. Perhaps we might even combine that with the hearing on S. 520, S. 521 and S. 522, which is going to be a full committee hearing.

Let us leave open the question as to whether we will have it separate or not.

But if you could provide that Florida study to us at the earliest possible time, I would appreciate that and we will reconvene the hearing.

Mr. **Regnery**. Fine.

Senator **Specter**. Thank you very much, ladies and gentlemen. Thank you, Mr. Regnery.

[Whereupon, at 10:57 a.m., the subcommittee recessed, to reconvene subject to the call of the Chair.]

[The prepared statement of Mr. Regnery follows:]

PREPARED STATEMENT OF ALFRED REGNERY

Thank you very much, Mr. Chairman, for inviting the Department of Justice to testify this morning on the Missing Children's Act and on the reauthorization of the Juvenile Justice and Delinquency Prevention (JJDP) Act. I am here, as the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), on behalf of the Department of Justice and the Administration.

Missing Children

/ The Department supports, with minor modifications, the portions of the proposed Missing Children's Act which would establish a national resource center and clearinghouse on missing children information and which would provide other services relating to missing children. This Committee has heard, as has the House of Representatives, considerable testimony regarding the missing children issue and what can be done about it. We believe that the federal government can be of greatest assistance in dealing with the problem through the establishment of a National Center for Missing and Exploited Children.

My office is now in the process of developing a plan for a National Center for Missing and Exploited Children which we hope to fund and have operating soon. That project is designed to accomplish most of the things envisioned by S.2014. We hope to provide first-year funding of $1.5 million, which we believe will be adequate to establish the Center, hire a competent and sufficient staff, fund a hotline, prepare and distribute materials, information, and data to the public, assist law enforcement, the public, and citizen groups concerned with missing children, and orchestrate a prevention campaign.

Although data and statistics are not definitive, estimates indicate that as many as a million-and-a-half children are missing from their homes each year. Approximately one million of these children are runaways or, in some cases, throwaways -- children forced out of their homes. The results of a three-year study by the Missing and Exploited Child Unit of Louisville, Kentucky, revealed that as many as 85% of the exploited children they encountered were missing from their homes when they were subject to exploitation.

The most critical point is this: any child who has lost his or her home is in significant danger from emotional, physical, sexual, or criminal exploitation. The existence of a national resource center will help identify the relationship between missing and exploited children and the link between exploited children and later delinquency.

A federal response to these issues is both critical and appropriate. The striking mobility of our society means that the case of a missing child or an investigation into child pornography quickly moves beyond local law enforcement jurisdictions. There is a definite need for national coordination and dissemination of information concerning missing and exploited children. Furthermore, we have learned that the search for a missing child is often a lonely search -- conducted by the parents and relatives themselves. These dedicated individuals have expressed, even before this Subcommittee, their critical need for help. A National Center for Missing and Exploited Children will provide the active assistance nee d in dealing with this national problem.

S.2014 calls for an authorization of $10 million with which to fund Missing Children's activities. We support assisting missing children along the lines suggested by S.2014, but we urge that the activities contemplated in S.2014 be performed under the grant program contained in Title VI of S.1762, the Administration's Comprehensive Crime Control Act of 1983. This legislation, which would establish the Office of Justice Assistance, would authorize appropriations for grants related to criminal justice assistance and has already received an appropriation contingent upon enactment of authorizing legislation. We would support an increase for funding in OJA for this program.

We would be pleased to work with the Subcommittee staff on other modifications to S. 2014, such as a clarification of the telephone hot-line function, because of the absence from the bill of any authority for the utilization or dissemination of the information reported by individuals through the telephone reporting system. Further the proposed definition of the term "missing child" appears to be excessively narrow by eliminating from concideration under the program children aged fourteen through seventeen, unless circumstances indicate the child was abducted. We also suggest additional language by incorporated to reduce the potential for misunderstanding the nature of the resource center and confusing its role with operational investigative or law enforcement agencies.

Reauthorization

As you know, Mr. Chairman, the Administration supports the reauthorization of Title III of the JJDP Act, known as the Runaway and Homeless Youth Act and administered by the Department of Health and Human Services, but opposes reauthorization of Title II, relating to the Office of Juvenile Justice and Delinquency Prevention. Those functions of the office which have proven to be worthwhile and successful, in addition to the missing children aspects of the bill before you, would be carried forth instead by the proposed Office of Justice Assistance. Other functions of the JJDP Act have been adequately tested, we believe, to indicate whether they either work or do not; those activities that have demonstrated their effectiveness can be continued and funded by state and local governments, if they so desire. Other functions of the office which have proven to be counterproductive should no longer be funded by the federal government. We believe that the programs of the sort required by the JJDP Act should not be mandated to the states.

Deinstitutionalization of Status Offenders

One of the primary purposes of the Act was to

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deinstitutionalize status offenders (those juveniles whose offenses would not be offenses were they adults), diverting them from the judicial system and out of secure detention facilities and into community-based, non-judicial settings. Deinstitutionalization of status offenders has largely been accomplished as a result of the JJDP Act, at least to the extent that juvenile status offenders are now only rarely held in secure detention facilities. The effects of deinstitutionalization, as I will indicate later in my testimony, are not as positive.

Forty-six states and the District of Columbia now participate in the JJDP Act by, among other things, deinstitutionalizing their status offenders in order to get JJDP Act money, in accordance with Section 223 (a)(12)(A) and (B) of the Act. Each of these states has submitted a plan and submits annual reports to my office containing a review of its progress made to achieve deinstitutionalization. The other four states, North Dakota, South Dakota, Wyoming, and Nevada, indicate at the present time no desire to participate in the Act.

We believe that the states which now participate in the program will continue to deinstitutionalize without the federal government's money, and will be able to do so more successfully without the unyielding and strict requirements of federal law. Each state has a different set of circumstances and, without the need to comply with federal mandates, will be able to adjust its programs to meet its own local problems and conditions. Since the funds OJJDP provides to states are insufficient to cover the full cost of deinstitutionalization, the individual states must have shown a commitment to deinstitutionalize status offenders in order to participate in the program. More than federal money, in other words, was required for the states to join the program; with the relatively small amount of OJJDP money going to each state, there is no reason to believe that the states will now retreat from their commitment, with the exception of perhaps amending the statutes to more nearly conform to local conditions.

The JJDP Act also provides that in order to participate in the program, delinquent juveniles shall not be held in institutions in which they have regular contact with adults. Section 223 (a)(13). Those states participating in the program have made sufficient progress under this section to deem these separation requirements an almost total success.

In 1980, the JJDP Act was amended to mandate that, beginning in 1985, no state participating in the program may detain juveniles in jails or lock-ups for adults. Section 223 (a) (14). Because this mandate is not fully in place, it is not possible to report precisely what each state has done. However, OJJDP, through its state representatives, does monitor the states' progress and is generally aware of whether each state would be able to be in compliance by 1985 in the event the Act were reauthorized. See Appendices A and B for a summary of states' compliance with Section 223 (a) (12), (13) and (14).

Again, because of the relatively small amount of federal money involved, the states are not undertaking the jail removal requirements because of federal money, but because they believe it is the right thing to do. Those that have adopted the philosophy of the Act will continue this mandate without the federal government telling them to do so; those which cannot, or do not wish to, carry out this mandate may cease participation in the program. We believe that the states will be able to perform these functions better, in fact, without the federal mandates, because the state legislatures will be able to respond more creatively to their own individual problems.

Impact of Deinstitutionalization

Because the Act places such emphasis on deinstitutionalization, and because one of the purposes of the mandate, when the statute was passed, was to reduce criminality among juveniles, it is worthwhile to examine the impact deinstitutionalization has had on recidivism.

We have done so by commissioning a study, done by the

American Justice Institute, which reviews virtually all existing empirical studies on deinstitutionalization. These independent findings are startling. They show that comparisons of deinstitutionalized status offenders and non-deinstitutionalized status offenders generally show no differences in recidivism. Of the fourteen programs in which recidivism rates could be compared, no differences were found in eight, in three, the deinstitutionalized status offenders did better, and in three, they did worse.

Further, although commitment of status offenders to public correctional institutions has declined since the beginning of the federal effort in 1974, it has not been ended, and there has been a substantial increase in commitments to private correctional institutions.

We have found that both of the major strategies for reducing or eliminating the secure confinement of status offenders (developing alternative programs or issuing absolute prohibitions against confinement) produced unintended side effects. Many jurisdictions that developed alternatives without prohibiting confinement experienced "net widening" effects in which the alternative programs were used mainly for juveniles who previously had been handled on an informal basis and the status offenders who previously had been detained continued to be held in secure facilities. Additionally, the absolute prohibitions against confinement produced changes in the use of discretion (popularly termed "relabeling") which resulted in many of the cases that previously might have been treated as status offenses being handled as minor offenses. Worse, in some of the jurisdictions which prohibited confinement, we have found that law enforcement officers and the agencies responsible for delivery of services on a voluntary basis simply were not dealing with these youths at all and that those most in need of services were not receiving them.

What has been the impact of the removal of services, and the removal of the ability of local jurisdictions to hold certain status offenders in secure facilities? Although hard data is scanty and difficult to find, in at least one area it appears the Act may have done more harm than good. That area involves runaways -- one of the most frequently committed of the status offenses.

The effect of the JJDP Act on runaway youth has been to effectively emancipate them, or to allow those who would leave home a free hand. It has inhibited, for all intents and purposes, the law enforcement system from dealing with and attempting to control runaway youth -- a law enforcement system which may have had some faults, but also provided troubled youth with services and assistance.

In many jurisdictions, deinstitutionalization has encouraged and even forced authorities to neglect runaway and homeless children. In this country's toughest urban centers, deinstitutionalization has meant, not transferring youths from reform schools to caring environments, but releasing them to the exploitation of the street.

The 1974 Act and its amendments make it virtually impossible for state and local authorities to detain status offenders in secure facilities for more than a few days, or in some instances, hours. In the case of runaways, that prohibition is too extreme. In some situations, secure settings - not jails - are necessary to protect these children from an environment they cannot control and often are unable to resist. The costs of such a policy to those children - and to society generally - are too great to continue.

A study recently conducted in Florida on runaways concluded that of those children who stay away from home for more than two weeks, 75% will be supporting themselves within that two week period, by theft, drugs, prostitution, and pornography -- in other words, by crime. Many are arrested and enter the judicial system no longer as status offenders, but as criminal offenders

-- often for crimes that they were virtually forced to commit in order to survive. In many cases by providing services to them at an early stage, the law enforcement system could help these children return home, thereby preventing subsequent criminality.

By no means do all runaway or homeless children need closed programs. We fully endorse the views of such experts as Father Bruce Ritter who runs the Covenant House in New York City, who believe that those children living on the street most likely to be helped are those who recognize they need help and who turn to and remain at voluntary facilities.

But what do we do for the thirteen year old runaway girl, living on the street, selling her body, who is repeatedly returned to her parents or a voluntary foster setting, and who repeatedly runs back to the street? In some cases, according to many experts who have dealt with the problem at first hand, the only answer is being able to use secure confinement, again not for punishment, but for treatment. As Father Ritter who has probably had more experience with runaway children than virtually anyone else in the country, says:

> "A thirteen year old girl is pimp bait. She'll be lucky if she survives to her fifteenth year. If she does survive to her fifteenth year, she'll be no good to anyone, including herself. I don't think you can let a fifteen year old girl wander loose and I don't think the state has the right to say 'we're going to wash our hands'. . . .
>
> "Sometimes kids are so out of control and incapable of making an informed, mature decision in their best interest that adults have to make that decision for them. It is criminal not to. But once you make that decision to place a child in a closed program, you have got to make the equally difficult decision to make sure it is a good one."

The 1974 Act and its amendments erred by specifying too strictly the ways in which state and local authorities could handle the status offender problem. By imposing the same standard in every state, we may have helped the states begin the process of deinstitutionalizing, but in a manner sufficiently unyielding as to make matters worse. By now lifting federal restrictions, we believe that state law will be adjusted to meet the specific problems of each state, but without returning to the old system of jailing status offenders.

Delinquency Prevention

OJJDP has, in the past years, directed a considerable amount of its resources to delinquency prevention. Delinquency prevention is a process that involves schools, families, communities, neighborhoods, churches, and community-based organizations -- areas where it is difficult for the Department of Justice in particular, and the federal government generally, to make a difference. Delinquency prevention is made up of those things which are good for youth in general -- things which the federal government will do in any case, under names other than delinquency prevention. Accordingly, we find more than thirty different bureaus and offices in the federal government which engage in, as they are broadly defined, delinquency prevention activities with expenditures of billions of dollars.

The delinquency prevention programs OJJDP has supported in the past have done little to prevent delinquency. In a major evaluation of the Office's delinquency prevention activity, the National Council on Crime and Delinquency, in The National Evaluation of Delinquency Prevention: Final Report (1981), came to this discouraging conclusion after looking at over sixty different programs that the Office had funded:

> "Data from this national study together with past research suggest that the idea of preventing delinquency remains excessively ambitious if not pretentious. There is a large gap between policy makers' hopes and what can be accomplished by prevention programs funded under this broad notion. As yet, social scientists have not isolated the causes of juvenile delinquency, but even if they were known it is not obvious that anything could be done about them. Many writers would agree that delinquency is generally associated with the growth of industrialism and social trends (e.g., poverty and racism) of such scope and complexity that they cannot easily be sorted out and remedied . . . . Given this perspective on delinquency it becomes fruitless or even naive to believe that highly generalized and often unclear directives to introduce prevention programs into heterogeneous target areas can curtail delinquency."

We believe that federal delinquency prevention programs based on social service activities should be housed in departments other than the Department of Justice, such as the Department of Health and Human Services, the Department of Education, the Department of Housing and Urban Development, and the ACTION agency. Those aspects of juvenile delinquency appropriately addressed by the criminal justice system, and therefore suited to the Department of Justice, should be funded through the Office of Justice Assistance.

Serious Juvenile Crime

Juveniles commit some 35% of all serious crime in the United States, and some 20% of all violent crime. Although the percentage is slightly lower than it was ten years ago, arrest rates for juveniles, as a percentage of the juvenile population, remains about the same.

Juvenile crime is, and is increasingly treated by the states as, a criminal justice issue. Accordingly, programs to assist juvenile courts, as well as criminal courts, in dealing with the issue of juvenile crime could be more efficiently sponsored through the Office of Justice Assistance, as part of its consolidated criminal justice assistance responsibilities, than through a separate office which deals only with juveniles.

Most serious and chronic juvenile offenders go on to become adult criminals, and most adult chronic offenders were offenders when they were juveniles. The states now treat chronic offenders, whether they be juveniles or adults, in a similar manner much more than heretofore. The result is that such offenders are increasingly in the same law enforcement system, the same court system, and even the same correctional system. Having a separate juvenile justice office within the Department of Justice to address only those parts of the system which deal with juveniles is an artificial distinction which often duplicates services that are provided by other offices within the Department and forces the Department to act in a less efficient manner than it otherwise might.

Some may argue that it is wrong for the states to treat juvenile offfenders as adults. We believe that is an argument which should be made and resolved in the state legislatures. Each state is different; each state has a different set of problems, different statutes, and different legislatures and constituencies which see things in different ways. We believe that the genius of the federal system is reflected by the states' ability to be able to handle their problems in their own way. The development and implementations of criminal justice policy, outside of the federal justice system, is one of those state prerogatives which may be assisted by the federal government but without federal interference. Assistance which is rendered by the federal government, such as by the Office of Justice Assistance, can be beneficial, but should be done without specific mandates and without the imposition of requirements that state laws be changed.

In conclusion, we do not dispute that OJJDP has done many good things during existence, and recognize that it continues to fund many excellent programs. Nevertheless, we do not believe its programs warrant continuation of a separate office and the expenditure of $70 million, particularly in times of restricted federal budgets. OJJDP, for all of its good programs, has had little impact on crime. OJJDP has brought a new awareness to the world of juvenile justice, but that new awareness should now be carried forth in state and local governments, in the communities, volunteer groups, and neighborhoods throughout the country.

Thank you, Mr. Chairman, I will be pleased to respond to any questions you or members of the Subcommittee may have.

Appendix A

Summary of Compliance with
Section 223 (a) (12), (13), and (14)
of the Juvenile Justice and Delinquency Prevention Act

There are 57 states and territories eligible to participate in the Juvenile Justice and Delinquency Prevention Formula Grant Program. Currently 53 are participating; the four not participating are Nevada, North Dakota, South Dakota and Wyoming. According to the most recently submitted and reviewed State Monitoring Report, the following is a summary of compliance with Section 223 (a) (12), (13), and (14).

SECTION 223 (a) (12) (A)

Deinstitutionalization of Status Offenders and Non-Offenders

A. Of the 53 participating states, 47 have participated for five or more years and are thus required to achieve full compliance with Section 223 (a) (12) (A) of the Act to maintain eligibility for FY 84 Formula Grant funds. Of these 47 states, a determination has been made that the following 44 states and territories are in full compliance pursuant to the policy and criteria for full compliance with de minimis exceptions.

Alabama
Alaska
American Samoa
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Guam
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Montana
New Hampshire
New Jersey
New Mexico
New York
Oregon
Pennsylvania
Puerto Rico
Rhode Island
South Carolina
Tennessee
Texas
Trust Territories
Vermont
Virginia
Virgin Islands
Washington
Wisconsin

Three of these 47 states have not to date been found to be in full compliance with the deinstitutionalization requirement. Those states are Hawaii, Idaho, and Ohio.

B. Of the 53 participating states, four must achieve substantial or better compliance to be eligible for FY 84 Formula Grant funds. Those states are North Carolina, Northern Marianas, Utah, and West Virginia. All four have been found in full compliance.

C. Two of the 53 participating states, Nebraska and Oklahoma, must demonstrate progress to maintain eligibility for FY 84 funds and each have done so.

SECTION 223 (a) (13)

Separation of Juveniles and Adult Offenders

There are 39 states which have demonstrated compliance with Section 223 (a) (13) of the Act. Fourteen other states have reported progress. Those 39 states which have been found in compliance with the separation requirements are:

Alabama
American Samoa
Arizona
Arkansas
Connecticut
Nebraska
New Hampshire
New Jersey
New Mexico
New York

Delaware
District of Columbia
Florida
Georgia
Guam
Hawaii
Illinois
Iowa
Kansas
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
North Carolina
Northern Marianas
Ohio
Pennsylvania
Puerto Rico
Rhode Island
South Carolina
Texas
Utah
Vermont
Virginia
Virgin Islands
Washington
Wisconsin

The 14 states reporting progress are:

Alaska
California
Colorado
Kentucky
Idaho
Indiana
Mississippi
Missouri
Montana
Oklahoma
Oregon
Tennessee
Trust Territories
West Virginia

SECTION 223 (a) (14)

Removal of Juveniles from Adult Jails and Lockups

All participating states and territories must demonstrate full compliance or substantial compliance (i.e., 75% reduction) with the jail removal requirement by December 1985. Eligibility for FY 1984 Formula Grant funds is not dependent upon the states' level of compliance with the jail removal requirement of Section 223(a)(14). Refer to "Appendix B" (attached) for information on the number of juveniles held in adult jails and lockups.

APPENDIX B

The summary of state participation in the Juvenile Justice and Delinquency Prevention (JJDP) Act and compliance with the deinstitutionalization and separation requirements of Sections 223 (a) (12) and (13) of the Act is based upon the 1982 monitoring reports which determined states' eligibility for FY 1984 formula funds (10/1/83 - 9/30/84).

Attached are two fact sheets showing the number of status offenders and non-offenders held in secure detention and correctional facilities and the number of juveniles held in regular contact with incarcerated adult persons. The data presented represents a twelve-month period and was actual data for some states and projected to cover a twelve-month period for other states. All current data is that provided as "current data" in the 1982 monitoring reports. The baseline data for the number of status offenders and non-offenders held in secure detention and correctional facilities is that provided as "baseline data" in the 1979 reports. The baseline data for the number of juveniles held in regular contact with adult offenders is that provided as "baseline data" in the 1981 reports. Only participating states are included in the figures. A fact sheet showing the number of juveniles held in jails and lock-ups is attached. However, this data is not projected to cover a twelve-month period.

The nationwide baseline data for the number of status offenders and non-offenders held in secure detention and correctional facilities was determined to be 199,341. The nationwide current data showed 22,833 status offenders and non-offenders held in secure detention and correctional facilities. Thus, by comparing baseline and current data, the number of status offenders and non-offenders held in secure facilities has been reduced by 88.5% over the past 5 to 7 years. According to the 1980 census, approximately 62,132,000 juveniles under the age of eighteen reside in the participating states. Thus, the number of status offenders and non-offenders currently held computes to a national ratio of 36.7 status offenders and non-offenders securely held per 100,000 juvenile population under age 18. This national ratio is in excess of the maximum rate which an individual state must achieve to be eligible for a finding of full compliance with the deinstitutionalization requirements of Section 223 (a) (12) (A) of the JJDP Act, pursuant to OJJDP's policy and criteria for de minimis exceptions to full compliance. It should also be noted that these figures do not include those status offenders and non-offenders held less than 24 hours during weekdays and those held up to an additional 48 hours (i.e., a maximum of 72 total hours) over the weekend.

The number of juveniles held in regular contact with incarcerated adults has reduced from 97,847 to 27,552. This computes to a 71.8% reduction over approximately a five-year period.

Based upon the number of status offenders and non-offenders currently held in secure facilities, which is a 88.5% reduction in the number held five or more years ago, and based upon the fact that 48 states and territories have been found in full compliance with de minimis exceptions, it is evident that substantial progress has been made in attaining the deinstitutionalization objective of the Act. However, considering, as stated above, that status offenders held less than 24 hours are not included and considering that states can securely hold status offenders at a level acceptable for a finding of full compliance pursuant to the de minimis policy, it is also evident that the deinstitutionalization objectives have not been fully met. It is also noted that OJJDP determines compliance a statewide aggregate data, thus cities, counties, regions or districts may not have achieved local compliance in their efforts to deinstitutionalize.

JJDP Act legislation does not require states to be in either substantial or full compliance to be eligible for FY '84 dollars. The attached fact sheet on Section 223 (a) (14) shows progress being made at the national level but not necessarily at the state level. Based upon individual state reporting periods varying from one month to twelve months, there appears to be an overall 18.9% reduction in the number of juveniles held in adult jails and lock-ups. This data does not include those juveniles who are waivered or those for which criminal charges have been filed in a court having criminal jurisdiction. This data, also does not include those juveniles held in adult jails or lock-ups for less than six hours.

Attachments: I, II, III

SECTION 223(a)(12)

Number of Status Offenders and Non-Offenders Held in Secure Facilities[1]

	Baseline*B	Current*C
ALABAMA	4,836	412
ALASKA	485	14
ARIZONA	4,410	632
ARKANSAS	3,702	0
CALIFORNIA	38,216	238
COLORADO	6,123	370
CONNECTICUT	699	0
DELAWARE	374	2
DIST. OF COLUMBIA	178	4
FLORIDA	9,186	22
GEORGIA	4,047	432
HAWAII	641	629
IDAHO	4,188	1,272
ILLINOIS	5,391	136
INDIANA	7,494	438
IOWA	1,204	8
KANSAS	3,826	576
KENTUCKY	4,849	1,104
LOUISIANA	3,179	111
MAINE	41	0
MARYLAND	857	6
MASSACHUSETTS	37	0
MICHIGAN	14,344	35
MINNESOTA	6,309	7
MISSISSIPPI	1,170	244
MISSOURI	4,786	366
MONTANA	1,224	85
NEBRASKA	546*D	624
NEVADA	Not Participating	
NEW HAMPSHIRE	200	0
NEW JERSEY	217	29
NEW MEXICO	2,376	48
NEW YORK	7,933	2
NORTH CAROLINA	2,678	580
NORTH DAKOTA	Not Participating	
OHIO	16,552	3,099
OKLAHOMA	No data required	
OREGON	4,110	71
PENNSYLVANIA	3,634	45
RHODE ISLAND	1,572	17
SOUTH CAROLINA	1,568	184
SOUTH DAKOTA	Not Participating	
TENNESSEE	4,078	2,940
TEXAS	4,722	976
UTAH	2,448	689
VERMONT	218	36
VIRGINIA	6,558	328
WASHINGTON	9,66[illegible]	0
WEST VIRGINIA	627	7
WISCONSIN	2,847	136
WYOMING	Not Participating	
PUERTO RICO	961	8
AMERICAN SAMOA	4	0
GUAM	228	39
TRUST TERRITORIES	0	0
VIRGIN ISLANDS	178	0
N. MARIANAS	0	0

TOTALS

Baseline	Current
199,341	22,[illegible]

*A - All Data is 12 month actual or projected to cover a 12 month perio

*B - Baseline data is that provided as baseline da in 1979 report.

*C - Current data is that provided as current da in 1982 report.

*D - Nebraska baseline data i that provided as baselin data in 1981 report.

LEAA FORM [illegible] (REV. [illegible]) EDITION [illegible] IS OBSOLETE.

STATE LISTING WORKSHEET

SECTION 223(a)(13)

Number of Juveniles Held in Regular Contact With Adults*A

11

	Baseline*B	Current*B
ALABAMA	3,300	1,104
ALASKA	824	349
ARIZONA	25	0
ARKANSAS	8,724	36
CALIFORNIA	3,041	2,612
COLORADO	4,750	1,537
CONNECTICUT	3	2
DELAWARE	0	0
DIST. OF COLUMBIA	0	0
FLORIDA	1,996	104
GEORGIA	1,769	10
HAWAII	1	0
IDAHO	2,011	7
ILLINOIS	777	3
INDIANA	8,580	235
IOWA	1,993	194
KANSAS	1,716	168
KENTUCKY	5,702	5,874
LOUISIANA	3,523	180
MAINE	1,186	0
MARYLAND	229	0
MASSACHUSETTS	0	0
MICHIGAN	0	0
MINNESOTA	3	0
MISSISSIPPI	2,280	108
MISSOURI	3,278	348
MONTANA	1,878	213
NEBRASKA	0	0
NEVADA	Not Participating	
NEW HAMPSHIRE	74	0
NEW JERSEY	42	17
NEW MEXICO	6,696	0
NEW YORK	27	0
NORTH CAROLINA	0	0
NORTH DAKOTA	Not Participating	
OHIO	5,751	480
OKLAHOMA	Not Participating	
OREGON	1,798	10
PENNSYLVANIA	3,196*C	14*C
RHODE ISLAND	176	0
SOUTH CAROLINA	3,984	0
SOUTH DAKOTA	Not Participating	
TENNESSEE	7,574	9,806
TEXAS	370	0
UTAH	22	449
VERMONT	9	12
VIRGINIA	5,624	0
WASHINGTON	2,088	0
WEST VIRGINIA	940	12
WISCONSIN	1,857	0
WYOMING	Not Participating	
PUERTO RICO	3	0
AMERICAN SAMOA	0	0
GUAM	0	0
TRUST TERRITORIES	3	2
VIRGIN ISLANDS	13	0
NO. MARIANAS	29	0

[illegible]

TOTALS

Baseline	Current
97,847	27,552

*A - All data is 12 month act
or projected to cover a
12 month period

*B - Baseline and Current dat
is that provided as base
and current in 1982 repor

*C - Pennsylvania data is tha
provided in 1980 report.

TITLE

STATUS OF STATES RE: 223(a)(14) Carl W. Hamm, Chief, FG's 2/22/84

	YR.	Baseline Period	Current Period	VIOLOLATIONS Baseline	VIOLOLATIONS Current	Per Cent
ALABAMA	82	1/82 - 3/82	1/83 - 3/83	295	198	32.8
ALASKA	83	1/76 - 12/76	1/81 - 12/81	864	787	9 %
ARIZONA	82	1/82 - 8/82	1/82 - 8/82	29	29	0 %
ARKANSAS	83	8/82	8/83			
CALIFORNIA	82	7/81 - 6/82	1/82 - 12/82	4365	5552	No Progres
COLORADO	83	1/80 - 12/80	1/82 - 12/82	6112	2070	66 %
CONNECTICUT	83	7/81 - 6/82	7/82 - 6/83	0	0	In Complia
DELAWARE	83	12/81 - 9/82	12/82 - 12/83	0	0	In Complia
DIST. OF COLUMBIA		1/75 - 12/75	1/83 - 12/83	0	0	In Complia
FLORIDA	83	1/82 - 12/82	7/82 - 6/83	117	45	61.5%
GEORGIA	82	9/81 - 8/82	9/81 - 8/81	130	130	0 %
HAWAII	83	10/82 - 10/83	10/82 - 10/83	0	0	Questionab
IDAHO	82		No Date Nov			
ILLINOIS	82	4/80 - 6/80	4/82 - 6/82	618	399	35%
INDIANA	82	-	7/82 - 9/82	-	1,782	?
IOWA	82	7/81 - 6/82	7/81 - 6/82	1886	1886	0
KANSAS	83	2/83	2/83	101	101	0%
KENTUCKY	82	1/82 - 6/82	1/82 - 6/82	509	509	0%
LOUISIANA	83	9/80 - 8/81	9/82 - 8/83	336	154	54.1
MAINE	83	1983	1983	0	0	In Complian
MARYLAND	82	1/75 - 12/75	1/82 - 12/82	129	0	In Complian
MASSACHUSETTS	83			0	0	In Complian
MICHIGAN	82	1/82 - 12/82	1/82 - 12/82	22	22	?
MINNESOTA	82	1/81 - 12/81	1/82 - 12/82	1639	533	67%
MISSISSIPPI	83	7/83 - 12/83	7/83 - 12/83	167	167	0%
MISSOURI	82	1/82 - 12/82	1/82 - 12/82	766	765	0%
MONTANA	82	1/80 - 12/80	1/81 - 12/81	934	760	19%
NEBRASKA	83	1/80 - 12/80	1/82 - 12/82	3566	2806	21%
NEVADA	82				0	In Complian
NEW HAMPSHIRE	83	10/81 - 11/82	10/82 - 9/83	0	0	In Complian
NEW JERSEY	83	1/82 - 12/82	1/83 - 12/83	0	2015	N/A
NEW MEXICO	82	8/75	2/57 - 8/82		0	In Complian
NEW YORK	82	1/75 - 12/75	1/82 - 11/82	7	132	50.0
NORTH CAROLINA	83	8/82 - 10/82	8/83 - 10/83	266		
NORTH DAKOTA				3761	2657	29%
OHIO	82	1/82 - 12/82	1/83 - 12/83			
OKLAHOMA		- Not Required -		1618	10	99%
OREGON		1/75 - 12/75	10/82 - 9/83			
PENNSYLVANIA	82	No Information available (comment)		0	0	In Complian
RHODE ISLAND	82	7/75 - 6/76	12/81 - 11/82	1303	1232	5.45
SOUTH CAROLINA	83	1/82 - 9/82	1/83 - 9/83			
SOUTH DAKOTA	82			1654	1654	0%
TENNESSEE	82	1/82 - 6/82	1/82 - 6/82			
TEXAS	83	Data Not Available			64	0%
UTAH	83		1/81 - 12/81		0	In Complian
VERMONT	82	7/76	7/82	0	2075	42%
VIRGINIA	83	7/79 - 6/80	7/82 - 6/83	3578	237	0%
WASHINGTON	83	1/83 - 6/83	1/83 - 6/83	237	79	39%
WEST VIRGINIA	83	1/80 - 12/80	1/82 - 12/83	109	2657	29%
WISCONSIN	82	1/80 - 12/80	1/82 - 12/82	3761		
WYOMING	82				11	71%
PUERTO RICO	83	12/81 - 12/82	12/82 - 12/83	38	0	In Compliance
AMERICAN SAMOA	83	1/81 - 12/81	1/82 - 12/82	0	0	In Compliance
GUAM	83	9/81 - 9/82	9/82 - 9/83	0	351	0%
TRUST TERRITORIES	82	Not available		351	0	In Complianc
VIRGIN ISLANDS	82	7/81 - 12/81	1/82 - 12/82	0	19	In Complete
NO. MARIANAS	83		1/83 - 12/83			

LEAA FORM 6300/1 (REV. 4-78) EDITION OF 4-77 IS OBSOLETE.

19.6ou STATE LISTING WORKSHEET

APPENDIX

WRITTEN STATEMENT

SUPPORTING LAW-RELATED EDUCATION

Submitted by
Charles N. Quigley, on behalf of
Center for Civic Education/Law in a Free Society,
Constitutional Rights Foundation, and
National Institute for Citizen Education in the Law

As the Congress considers the reauthorization of the Juvenile Justice and Delinquency Prevention Act, it is a propitious time to consider the success and promise represented by law-related education. In evaluations sponsored by the National Institute for Juvenile Justice and Delinquency Prevention, law-related education has been demonstrated effective in reducing serious delinquent behavior. Representing as it does a most promising delinquency prevention strategy, law-related education should be recognized as a lasting and beneficial component in the fight against serious juvenile crime and delinquency.

The Need to Include Attention for "An Ounce of Prevention"

The findings of the Attorney General's Task Force on Violent Crime, the President's Task Force on Victims of Crime and other recent proposals suggest the need for a Federal initiative and leadership to help combat the problems of violent crime in our society. This has become increasingly apparent not only through abstract research findings, but because of the frightening fact facing so many Americans that their homes, neighborhoods, schools, communities, and workplaces are no longer safe.

The principles, goals, and values stated clearly in our Declaration of Independence, Constitution, and other fundamental documents set forth the responsibilities of all levels of our government to secure the rights to "life, liberty, and the pursuit of happiness" and to "establish Justice, insure domestic Tranquility, . . . promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity." Such rights and blessings have little meaning to those whose tranquility is beseiged by crime and the threat of crime.

The immediate need to combat violent crime should not result in a plan limited to "mending the fence after the cows are out of the pasture," however. It is important at this time to launch a positive, forward-looking, and comprehensive initiative that deals not just with the immediate need to control violent crime, but with the development and implementation of measures to reduce the rate at which our society is generating criminal behavior among juveniles. The Juvenile Justice and Delinquency Prevention Act has always contained a strong emphasis on delinquency prevention. Research, development, and assistance in implementation and training regarding effective anti-crime and delinquency prevention initiatives must remain a vital component of any balanced program if it is to be effective.

In a speech to the Southwestern Judical Conference, Mark W. Cannon, Administrative Assistant to the Chief Justice of the United States, highlighted the need for a prevention strategy that can secure fundamental commitment to the law-abiding values of society in order to reduce crime:

> "Though alcoholism, poverty, and perceived social injustice all contribute to crime, perhaps there is a deeper force that is causing a breakdown of our society. These merely tip the raft of social order, while a deep current is moving the entire raft at a startling speed. That deep current is our failure to transmit positive values, norms, and attachments from one generation to another."

I submit that the Federal Government's comprehensive initiative on crime reduction should include law-related education -- the "ounce of prevention" that costs far less than the "pound of cure." Law-related education is an available means of strengthening the transmission of positive values and norms and, at the same time, of alleviating some of the most important causes of delinquent behavior. With the support of the Department of Justice, it could be effectively implemented on a national scale. Indeed, with the upcoming bicentennials of the signing of the Constitution and ratification of the Bill of Rights, documents which require an enlightened and responsible citizenry as the foundation of our free society, the opportunity is ripe to expand law-related education programs throughout the Country. These programs, when properly implemented, can develop civic competence, civic responsibility, and law-abiding behavior among our Nation's youth.

The demonstrated relationship of law-related education to the prevention of delinquency and youth crime, coupled with growing public recognition of the need for an effective prevention program, assures the positive acceptance of such an initiative under the auspices of the Department of Justice. National surveys of elementary and secondary school principals and of juvenile and family court judges have revealed striking receptivity to law-related education: A substantial majority of principals surveyed expressed willingness to add the subject to their school curricula; four-fifths of the judges indicated that they were willing to support law-related education by working with local schools. A majority of each group expressed the belief that this course of instruction can improve behavior. Groundwork laid by law-related education efforts in recent years has resulted in the development of vital grass roots constituencies and extensive local interest.

Full realization of the delinquency prevention potential of law-related education requires specialized training for teachers, school administrators, and community resource persons. Involving non-school resources at the outset can assure that programs are of high quality and adapted to meet local needs. Programs supported by such public-private partnerships develop the momentum and critical mass necessary to ensure a lasting and meaningful impact on our educational institutions.

The Federally-sponsored juvenile justice program has a significant opportunity to include this effective and productive program in its overall agenda for the reduction of crime. At this point, resources from the Federal Government could play a catalytic role in bringing together public and private sectors on local and State levels to incorporate respect for law programs throughout the Nation.

Law-Related Education: A Proven and Effective Remedy

Law-related education is a program that fosters among elementary and secondary students civic competence, civic responsibility, and an understanding of and commitment to the fundamental principles, processes, and values essential to the preservation and improvement of our free society.

The curriculum is developed to provide a basis for improved citizenship skills, commitment to work within the legal system to settle grievances, and favorable attitudes toward law enforcement. Teaching strategies require active involvement of the students, police, attorneys and justice system personnel.

It is not an attempt to impose a narrow or partisan political orientation on the schools, nor is it a means of teaching people to become "schoolhouse" lawyers. Rather it provides diverse, proven, and practical approaches useful in the reform and revitalization of civic education programs in our Nation's schools. Law-related education promotes a "legal literacy" which helps students avoid legal problems and learn to deal more responsibly and effectively with such problems when they do arise. Careful observation of the effects of law-related education over the past 15 years has revealed its significant potential. Most important, in testing over the past few years by the Department of Justice, law-related education has been demonstrated to reduce students' resort to violence, delinquency and youth crime, including thefts, assaults and drug use.

A number of members of local and state bar associations, law enforcement agencies, judges' associations, educators, and other concerned community organizations have begun focussing their attention and resources on the development and implementation of law-related education programs in both public and private schools. As a result, the American Bar Association estimates that today there are over 500 law-related education projects in the Nation. However, these projects presently reach only 10 to 15 percent of the student population.

Such programs have added to the growing body of evidence that law-related education may be one of the most effective remedies not only for delinquency but also for the general failure of young people today to fulfill adequately their responsibilities as citizens. This positive effect is due in large part to the emphasis of law-related programs on the development of commitment to a cohesive framework of civic ideals that are required to bind together the diverse elements and interests of our free society.

Developments in delinquency prevention theory support the view that the schools play a most significant role. They can either provide settings for the generation of delinquency and youth crime or programs that aid in reducing such behavior, fostering a commitment to fundamental social values and adherence to conventional norms. Such developments have led to intensive testing of law-related education programs supported by the National Institute for Juvenile Justice and Delinquency Prevention of the Office of Juvenile Justice and Delinquency Prevention. Preliminary findings of this research have validated the results of earlier law-related education evaluations. They have revealed their delinquency prevention potential, not only in educational institutions but in diversion programs as well, when implemented in accordance with prescriptions regarding duration, instructional strategy, and the involvement of the community.

Preliminary findings released in 1981 after two years of study suggested that sound educational and delinquency prevention programming went hand in hand and that, when taught according to properly prescribed principles, law-related education results in a significant reduction of student participation in delinquent activities. Subsequent findings over the past two years continue to confirm that law-related education taught according to specific, identifiable standards can serve as a significant deterrent to delinquent behavior. In evaluations conducted by the Social Science Education Consortium, Inc., and the Center for Action Research, Inc., under the sponsorship of the National Institute for Juvenile Justice and Delinquency Prevention, the Law-Related Education Evaluation Project has confirmed the positive, delinquency prevention impact of law-related education.

Alfred S. Regnery, the presidentially-appointed Administrator of the Office of Juvenile Justice and Delinquency Prevention has noted: "According to OJJDP's evaluation, LRE [law-related education], when properly taught, can reduce students' tendency to resort to violence, can enhance their understanding of our legal system, and can develop more constructive attitudes toward it." He has further observed: "I consider Law-Related Education a most effective delinquency prevention program . . . ."

Law-related education is by all accounts one of the few truly promising elements of the Federal Government's delinquency prevention efforts. The program works, it is cost effective and it has a broad base of support.

Educators, students, and members of bar associations and other community groups who have been involved in law-related education programs have developed an enthusiasm and interest in the field that provides an impetus to expanded implementation. Such interest has recently resulted in increased attention and support from such diverse groups as the National Parent Teachers Association, National Association of State Boards of Education, National Association of Secondary School Principals, National Association of Elementary School Principals, the National Council for the Social Studies, the Council of Chief State School Officers, and Phi Alpha Delta Law Fraternity International. These organizations, coupled with the longstanding interest and involvement of the American Bar Association, numerous state and local bar associations, the International Association of Chiefs of Police, the National District Attorneys' Association, the Conference of Chief Justices and other groups provide a sound base and resource for the widespread implementation of law-related education programs.

Functions and Activities of a Law-Related Education Center

In light of law-related education's effectiveness and potential, a Center for Law-Related Education should be established under the supervision of the Department of Justice as a part of its comprehensive anti-crime program. The following briefly outlines some of the suggested functions and related activities that might be accomplished by such a Center.

Research and Development

The Center would provide support for research and development in:

- long-range evaluation of the effects of law-related education on students' knowledge, skills, attitudes, and behaviors; continuation of evaluation efforts to include longitudinal study of the delinquency prevention impact of law-related education;
- studies on other aspects of law-related education as they may affect cognitive and affective learning and behavior;
- developing new areas of law-related education for use in diversion programs for students being considered for suspension or expulsion;
- translating and linking research to practice so that proven programs and practices can be more effectively implemented in classroom and juvenile justice settings.

Demonstration

An increased number of demonstration projects could be supported and state and local education and juvenile justice agencies provided assistance in:

- promoting the adoption or adaptation of models which have proved successful in other localities;
- implementing programs in areas with special needs, for example, high crime areas, areas in which there is ethnic and racial conflict, or areas in which there is a high density of recent immigrants;
- implementing programs in institutions with special needs, for example, correctional institutions and group homes.

Training and Coordination

Efforts could be made to coordinate law-related education programs across the country by:

- providing assistance to key personnel in state and local education and juvenile justice agencies in using available resources effectively in the development and implementation of law-related education and other delinquency prevention programs;
- providing training and support services to directors and staff of projects in law-related education and related delinquency prevention projects.

Cooperation

Initiative activities could be designed to foster cooperation among:

- law-related education projects and other groups involved in the improvement of civic education and prevention of delinquency and violent crime, for example, key members of bar associations, law enforcement agencies, district attorneys' and public defenders' associations, and judicial associations;
- various departments at all levels of government whose responsibilities may include delinquency prevention and civic education, for example, at the Federal level the Office of Juvenile Justice and Delinquency Prevention, the Department of Education, the Federal Bureau of Investigation, the National Science Foundation, the National Endowment for the Humanities, the National Institute for Education, and the Department of Health and Human Services.

Awareness

The development of widespread awareness of the benefits of law-related education could be increased by:

- the linking of the initiative with the forthcoming bicentennials of the signing of the Constitution and the adoption of the Bill of Rights and enlisting the participation of groups from the private sector such as the American Bar Association, American Political Science Association, American Historical Association, and Phi Alpha Delta Law Fraternity International;
- the use of television and other media, public statements, conferences, and presentations at conventions of major organizations involving the direct participation or support of the President, Members of Congress, the Chief Justice, the Attorney General, the Secretary of Education, Governors, prosecutors, judges, law enforcement officers and other key figures in Federal, State and local government.

Conclusion

As a component of a comprehensive initiative against crime and delinquency, a Center for Law-Related Education can consolidate the success of past experience and fulfill its promise by making law-related education a permanent part of our cooperative effort against juvenile crime and delinquency.

The substance, methods, goals, and objectives of law-related education are consistent with promoting an understanding of and commitment to the fundamental principles, processes, and values of our national heritage. Its emphasis on the prevention of delinquency and youth crime and the development of civic responsibility affirms that the maintenance of law and order is not solely a responsibility of law enforcement, the courts, and corrective institutions, but of every member of our society.

The themes of law-related education are timely, because they meet well-recognized and pressing concerns in our schools and communities, and are broadly supported among members of the judiciary, legal professionals, law enforcement agencies, educators and members of the Congress and the Administration. There is adequate expertise now available to provide the assistance required for the implementation of law-related education as a National effort. Law-related education is an initiative that will generate a high multiplier effect from limited Federal investment by increasing the allocation of resources and participation among the public and private sectors at the State and local levels. Law-related education is a broadened response to the problem of crime that can help our young people realize their futures as productive and responsible members of a more law-abiding public. I respectfully recommend a Center for Law-Related Education for your attention.

[From the Gazette-Journal Feb. 11, 1984]

Living and Dying on Cruel Streets—Helping Runaways Find a New Life

(By Jerry Belcher)

To deal with runaways, the Los Angeles region has a handful of non-profit crisis intervention organizations and workers, including Art Sanchez of Angel's Flight, Carlyn Lampert of the new Homeless Youth Project in Hollywood, and Albert Ogle of the Gay and Lesbian Community Services Center's Confrontation Youth Project.

"I think there are a lot of myths about homeless youth," Ogle said. "The truth is that they are everywhere, in every community. But Hollywood does draw them—there is a sort of mystique about Hollywood; they think of it as a sort of magic land still."

Lois Lee, whose Children of the Night organization specializes in rescuing teenage street prostitutes in Hollywood, said that she estimates that 30 percent of runaways who wind up selling their sexual services on the streets have been either physically or sexually abused in the home.

Once in Hollywood, she said, children with little or no money, no job skills and very little wordly wisdom, become easy prey for pimps and pornographers, who often use the pitch: "I know an agent. I can get you in movies, in modeling."

Lee said it often takes less than a week for a teenager to be turned around and put onto the streets or into a house as a prostitute. Lt. Ed Hocking, chief of detectives in Hollywood Division, and Sgt. Dolores Schley, a veteran of more than 20 years in Juvenile Division, agreed. "It doesn't take long to brainwash a child," Schley said.

"And we know," Hocking added, "that if they stay long enough they're going to be involved in some kind of a crime because they are destitute. . . . We basically have two kinds of kids we're dealing with, the Little Orphan Annies that come here for whatever reason because of whatever problem, and they're lost, lonely and want help. They will come to the police for help." He said that no youngster who asks for help is turned down.

"But the others," he added, "are basically street kids that wouldn't come to the police for help no matter what."

A status offender is not a criminal, nor a delinquent, but a pre-delinquent. Until 1977, such children, legally innocent of any crime, and often naive and vulnerable, were treated much like ordinary juvenile criminals. They often wound up sharing Juvenile Hall quarters with seasoned professional criminals who victimized the innocents and instructed them in crime.

A bill passed in 1976 "decriminalized" status offenders—opening the crack through which so many 601s now slip.

The bill required that status offenders no longer be held in lockup facilities.

In Los Angeles County, the probation department contracted with private individuals to establish temporary foster homes where youngsters could be kept until they were returned to parents or guardians. It was called the Status Offender Detention Alternatives Program, known as SODA.

There are 41 authorized SODA beds in 17 foster homes for all Los Angeles County.

Because of the 1976 status offenders bill, said Taylor, many police officers have given up on status offenders who do not ask for help. "It just hasn't worked. The walkaway rate from SODA homes is 25 percent ranging up to 35 percent. So, say I'm a policeman on the street. I care about kids . . . I pick up a kid on the street, a runaway. I spend two hours picking up that kid, finding out he is a runaway, doing the paper work, taking him to the SODA facility. I bring him in the front door, and he goes out the back door!"

Statistics reflect police disillusionment. In 1976, before the bill went into effect, 3,942 runaways were taken into custody. A year later, the number was 2,015, a 48.9 percent drop. Last year, the number fell to 705, a drop of 79.5 percent since 1976.

The Los Angeles County Board of Supervisors had appointed a "Children's Task Force." At the state level, a nine-member Commission on the Revision of the Juvenile Court Law (the "415 Commission) has studied the handling of status offenders.

Commission Chairman Lt. Ray Gott of the Los Angeles County Sheriff's Youth Services Bureau is emphatic on the failure of the status offenders bill. "We said when we enacted the bill that we are going to deal with serious, hard-core juvenile criminal offenders, but, in essence, also tell the status offender: 'Go way, we don't want to be bothered with runaways. When you commit a crime, then come back and we'll rehabilitate you.' That is insanity."

Sandy now is part of the street lore, the mythology of Hollywood.

Nearly all of the street kids who hang out and hustle a living up and down Las Palmas Avenue know Sandy's story— and it scares them.

For Sandy—bourbon drinker, doper, hooker and, by street kids standards, a very nice person—was one of their own, a runaway who came to Hollywood to escape something or someone she simply no longer could live with at home.

To cops and youth workers, kids like Sandy are categorized "601s" or "status offenders," technically juveniles who are "incorrigible," beyond the control of parents or guardians. They have fled, been pushed out or thrown out of their homes.

In the trendy cliche of youth workers, politicians and police, they have "slipped through the cracks in the system."

In fact, by quirk of a 1976 law intended to reform the juvenile justice system in California, so-called status offenders were put into a kind of legal limbo. As a result, runaways have become a caste of untouchables for public agencies.

Officials do not know the scope of the problem, but they do know that they are not even close to coping with it. By the best available figures, which are admittedly estimates, there are 3,000 to 4,000 runaways in Hollywood at a given moment. And for haven there are 41 "official" shelter beds provided by public agencies and another 20 provided by private organizations in all of Los Angeles County.

Sandy became a member of the untouchable street kid caste a few years after it was created by act of law.

No one know exactly how Sandy slipped through the system, exactly where she ran from or why she did it. Like many street kids, she did not talk much about her yesterdays—too painful perhaps. Or her tomorrows—too uncertain perhaps. She lived in the moment.

A prettY, hazel-eyed, dark-haired girl who looked older, Sandy must have been about 12 or 13 years old when she hit Hollywood.

No one knew exactly when or why she started drinking, doing heavy dope or working as a prostitute. No one paid attention: Along Las Palmas, there is nothing unique about Sandy's lifestyle. The lives of countless others are variations on the theme.

Winky Walker who was a friend, had planned to take an apartment with Sandy. "I think Sandy was on the streets about three years. I only knew her from last year . . . Me and her used to do tricks together. I mean like some guys, they like to see two girls together.

"People really liked her. She was a nice person . . . She never messed anybody over. She never fought with anybody, she was always in good spirits, always concerned about her friends. But she was always high on drugs, and that worried me."

One day last summer, Sandy partied with friends in the shabby Las Palmas Hotel. Winky was not among them, but heard later that Sandy had been shooting heroin, switched to whiskey and started eating "loads," a combination of drugs fashionable on the streets of Hollywood.

"When you're on loads," said Winky, "you have a tendency to go to sleep, just nod out. There was two or three other people eating loads, too, and they all passed out. When they woke up, Sandy was coughing, and turning different colors, and they stuck her in the shower to wake her up."

The others went back to sleep. When they awoke again it was afternoon of the next day. But Sandy would not wake up. Her friends called paramedics and police.

The coroner's report listed the cause of death as accidental, the result of "acute intoxication of codeine, morphine and phencyclidine, PCP."

The date was Aug. 15, 1983. Sandy had slipped irretrievably between the cracks in the system on what would have been her 16th birthday.

There are many romantic notions about runaways, fostered in part by Mark Twain's "The Adventures of Huckleberry Finn" and by film and television. Running away is depicted as an almost essential part of growing up, a maturing experience—exciting, sometimes scary and maybe even dangerous. But also fun, a very American thing to do.

It should be remembered that Huck Finn's grand adventure, his epic running away, began because Pap Finn was (in currently fashionable sociological jargon) an alcoholic, probably a psychotic and a sociopath, and child abuser.

Many of today's hard-core street kids flee for the same reason.

Winky Walker, 17, Sandy's friend, was an incest victim from age 5 until 15. After Winky's parents divorced, she was bounced between her mother and father. She became a repeat runaway.

Winky ran away the last time after her father tried to choke her. When she told Norwalk, Calif., police the story, nothing happened because she had been involved (as a bystander, she said) in a burglary and was not considered credible.

Winky had gotten into trouble once before because she shoplifted some cutlery.

"Yeah. I did it" she said, "The reason was I was going to kill myself. Two big steak knives I shoplifted. But I got caught. I guess I didn't really want to kill myself. I guess I wanted to get busted. I had just turned 16."

She wound up at a Hollywood group home called Hamburger House, but, fearing trouble, ran again when marijuana was found among her possessions. This time, she ran to the streets.

"I started trickin' in Hollywood, about two months straight I was doin' it . . . I averaged about $100 a trick . . . I didn't have no pimp. You just just go out there, then when someone stops, you talk to 'em and find out what they were looking for, and I'd see if I was willing to do it.

"I hated it," she said, "but I needed the money, had to survive somehow . . . I used to get very scared sometimes, thinking one of these times I'm gonna jump in some trick's car, and he's gonna kill me or kidnap me.

"One time four pimps kidnapped me, took me to a motel and raped me, and the last guy, he finally took my blindfold and the gag off me, and I asked him if I could go get a soda, I was thirsty.

"He wouldn't give me my shoes, just my shorts and my shirt. I went outside, and I just ran . . ."

Winky began drinking heavily, and using harder drugs. She became an alcoholic.

"My mom used to be an alcoholic," Winky said quietly. "Still is, I guess. My dad's an alcoholic, and so is his (latest) wife. My brother does a lot of drugs, and drinks a lot. I got one uncle that's a glue sniffer, and one that just likes to do drugs. In my family, drugs are just there—runs in the family."

Many youth workers believe that fantasies of stardom and visions of glamor draw many runaways to Hollywood.

Eddie, 17, exuding soft Southern charm and very aware of his good looks, said that he ran from his Virginia home because times were hard. But he hinted at other, more painful reasons.

"My father, he died," Eddie said. "Somebody shot him in the face with a shotgun. My mother can't work. My stepfather can't work. He's got black lung, one lung out and the part of the other gone. So I left to get a job."

When he started, Eddie said, he had no destination. "I was hitchhiking, and I seen this sign, a billboard. It said something like: 'Hollywood, Home of Excitement.' That was someplace in Indiana. I saw that and I wanted to see what it was like." The conversation took place on the chilly, littered stairwell of the once-sumptuous Garden Court Apartments, abandoned since 1980, condemned, fenced off, legally off limits and now known as "Hotel Hell," probably the most notorious and dangerous of the two dozen or so "crash pads" used by homeless Hollywood street kids. Some are abandoned buildings, some are motel rooms or apartments, which the kids pool their money to rent. Some sleep under freeway bridges, in cars or in parks.

Lois Lee, founder of the organization Children of the Night, has field workers who know the back alleys, hideaways and hangouts. They say such crash pads are health and fire hazards, and are haunted by older street people who exploit and sometimes beat, rob and rape those who hole up there.

Eddie had been in town seven days. He had spent his days learning the geography and folkways of Hollywood, panhandling to stretch the few dollars still in his jeans. He had spent most nights drinking beer, sharing beverages, chemicals and junk food, cash, personal experiences and fantasies with 10 to 15 other illegal campers in the windowless firetrap.

At first Eddie insisted that he had come to Hollywood only "to get a job, settle down and someday live in a home of my own." He said he is a good sketch artist, has worked in gas stations and as a forest firefighter.

"I wouldn't mind bein' an actor," he said. "I took some dramatics when I was still goin' to school. No, I wouldn't mind being an actor . . ."

Winky Walker is one of the youngsters to whom Children of the Night reached out. She has stopped drinking, stopped doping, stopped hooking. She has been made a ward of Lois Lee, placed in a foster home she likes. She has gone back to school. She receives regular counseling at Children of the Night and works there part time as a volunteer. She is good at it, and she said she is happy.

"I have no intention of going back to life on the streets," she said. "I have plenty of support here now. This is my family now."

Winky's—so far at least—is a modest success story. A couple of blocks away, on the peeling wall of a building on Hollywood Boulevard, is a scrawled memorial to Winky's friend, whose story did not end in success. It reads simply:

Sandy Was Here.

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